

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday, September 25, 2023, 7:00 P.M.
Paul D. Bueche Municipal Building, 8083 Civic Drive Swartz Creek, Michigan 48473
THIS WILL BE A HYBRID MEETING, WITH IN PERSON ATTENDANCE BY COUNCIL MEMBERS.**

1. **CALL TO ORDER:**
2. **INVOCATION & PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
4A. Council Meeting of September 11, 2023 MOTION Pg. 31
5. **APPROVE AGENDA:**
5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
6A. City Manager's Report MOTION Pg. 8
6B. Staff Reports & Meeting Minutes Pg. 38
6C. Homecoming Parade Permit Pg. 50
6D. Fence Quote Pg. 54
6E. Otterburn Revised Cost Sheet Pg. 56
6F. Small Wireless Cell FAQ/State Law Pg. 58
6G. Crown Castle Metro Act Permit Link
7. **MEETING OPENED TO THE PUBLIC:**
7A. General Public Comments
8. **COUNCIL BUSINESS:**
8A. Homecoming Parade Street Closure Permit RESO Pg. 26
8B. Early Voting Precinct Establishment RESO Pg. 27
8C. Fence Quote Approval RESO Pg. 28
8D. Recreation Passport Grant Match Revision RESO Pg. 29
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION Pg. 29

Next Month Calendar (Public Welcome At All Meetings)

Metro Police Board:	Wednesday, September 27, 2023, 11:00 a.m., Metro HQ
Election Commission:	Tuesday, October 3, 2023, 4:15 p.m., PDBMB
Planning Commission:	Tuesday, October 3, 2023, 7:00 p.m., PDBMB
City Council	Monday, October 9, 2023, 7:00 p.m., PDBMB
Downtown Development Authority:	Thursday, October 12, 2023, 6:00 p.m., PDBMB
Fire Board:	Monday, October 16, 2023, 6:00 p.m., Station #2
Park Board:	Tuesday, October 17, 2023, 5:30 p.m. PDBMB
Zoning Board of Appeals:	Wednesday, October 18, 2023, 6:00 p.m., PDBMB
City Council	Monday, October 23, 2023, 7:00 p.m., PDBMB

City of Swartz Creek Mission Statement

The City shall provide a full range of public services in a professional and competent manner, assuring that the needs of our constituents are met in an effective and fiscally responsible manner, thus promoting a high standard of community life.

City of Swartz Creek Values

The City of Swartz Creek's Mission Statement is guided by a set of values which serve as a common operating basis for all City employees. These values provide a common understanding of responsibilities and expectations that enable the City to achieve its overall mission. The City's values are as follows:

Honesty, Integrity and Fairness

The City expects and values trust, openness, honesty and integrity in the words and actions of its employees. All employees, officials, and elected officials are expected to interact with each other openly and honestly and display ethical behavior while performing his/her job responsibilities. Administrators and department heads shall develop and cultivate a work environment in which employees feel valued and recognize that each individual is an integral component in accomplishing the mission of the City.

Fiscal Responsibility

Budget awareness is to be exercised on a continual basis. All employees are expected to be conscientious of and adhere to mandated budgets and spending plans.

Public Service

The goal of the City is to serve the public. This responsibility includes providing a wide range of services to the community in a timely and cost-effective manner.

Embrace Employee Diversity and Employee Contribution, Development and Safety

The City is an equal opportunity employer and encourages diversity in its work force, recognizing that each employee has unlimited potential to become a productive member of the City's team. Each employee will be treated with the level of respect that will allow that individual to achieve his/her full potential as a contributing member of the City staff. The City also strives to provide a safe and secure work environment that enables employees to function at his/her peak performance level. Professional growth opportunities, as well as teamwork, are promoted through the sharing of ideas and resources. Employees are recognized for his/her dedication and commitment to excellence.

Expect Excellence

The City values and expects excellence from all employees. Just "doing the job" is not enough; rather, it is expected that employees will consistently search for more effective ways of meeting the City's goals.

Respect the Dignity of Others

Employees shall be professional and show respect to each other and to the public.

Promote Protective Thinking and Innovative Suggestions

Employees shall take the responsibility to look for and advocate new ways of continuously improving the services offered by the City. It is expected that employees will perform to the best of his/her abilities and shall be responsible for his/her behavior and for fulfilling the professional commitments they make. Administrators and department heads shall encourage proactive thinking and embrace innovative suggestions from employees.

**CITY OF SWARTZ CREEK
VIRTUAL REGULAR CITY COUNCIL MEETING ACCESS INSTRUCTIONS
MONDAY, SEPTEMBER 25, 2023, 7:00 P.M.**

The regular virtual meeting of the City of Swartz Creek city council is scheduled for **September 25, 2023** starting at 7:00 p.m. and will be conducted virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 and rules promulgated by the Michigan Department of Health and Human Services.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Connie Olger, 810-429-2766 48 hours prior to meeting,

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Connie Olger is inviting you to a scheduled Zoom meeting.

Topic: Swartz Creek City Council Meeting

Time: September 25, 2023 at 7:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83096401128>

Meeting ID: 830 9640 1128

One tap mobile

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 830 9640 1128

Find your local number: <https://us02web.zoom.us/u/kz4Jb4etg>

If you have any further questions or concerns, please contact 810-429-2766 or email colger@cityofswartzcreek.org.

A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.

CITY OF SWARTZ CREEK VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, the City Council General Operating Procedures, and other public board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city's public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
 - (a) why the public body is meeting electronically;
 - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
 - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
 - (d) how persons with disabilities may participate in the meeting.

5. The notice identified above must also be posted on the City's website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes the meeting's purpose.
6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

MAINTAINING ORDER

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the virtual application or by dialing *9 on their phone, if applicable.

MOTIONS & RESOLUTIONS

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member who reads/moves for a motion may oppose, argue against or vote no on the motion.

PUBLIC ADDRESS OF COUNCIL

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.

3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.
7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

VOTING RECORD OF PUBLIC BODIES

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

City of Swartz Creek
CITY MANAGER'S REPORT
Regular Council Meeting of Monday, September 25, 2023 - 7:00 P.M.

TO: *Honorable Mayor, Mayor, Pro-Tem & Council Members*

FROM: Adam Zettel, City Manager

DATE: September 20, 2023

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

- ✓ **MICHIGAN TAX TRIBUNAL APPEALS** *(No Change of Status)*
As of now, the city has not received any new tax tribunal appeals.

- ✓ **STREETS** *(See Individual Category)*

- ✓ **2020-2023 TRAFFIC IMPROVEMENT PROGRAM (TIP)** *(Update)*

The Miller Road rehabilitation work continues. Curb on the north side is complete. Curb work on the south is commencing, with joint work to follow. Once that is complete, the actual surface paving should only take a couple days. The contractor expects to be able to accommodate the October 6 parade and October 7 Jeepers Creekers.

The project is estimated to cost \$1,368,913.42 with current quantities. There will not be any changes to the lane markings or parking for this project.

Note that we do expect some increases to the project scope due to the apparent need to remove and replace more curb on Miller, specifically in the core downtown area.

- ✓ **STREET PROJECT UPDATES** *(Update)*

This is a standing section of the report on the status of streets as it relates to our dedicated levy, 20 year plan, ongoing projects, state funding, and committee work. Information from previous reports can be found in prior city council packets.

Crack filling is complete. We expect road marking to commence at any time.

OHM is finalizing bids for Winchester Village and Woods. This is a very large scope of work. As observed with the recent streets in the Village, the water main that is in place is 70-year-old cast iron, with failing joints. As such, it is imperative to replace water main for those streets that have original pipe (note that this excludes Don Shenk, which has ~20 year old water main, with a corresponding top coat of asphalt).

In order to tackle such a large scope of water main, we intend to bond with the USDA for another phase. This means that the water main work must be completed in two construction seasons. The removal of the street and existing main further necessitates that the streets be completed in the same timeline. As such, a street bond is prudent.

The USDA and street bond processes will be conducted concurrently, but they are separate and distinct. Because of the importance and complexity, I added a section to the packet to cover the borrowing process specifically.

- ✓ **RECONNECTING COMMUNITIES AND NEIGHBORHOODS** (*No Change of Status*)
There is new federal money available to provide traffic and pedestrian connections to overcome divisions in communities that have resulted from previous changes to the traffic network. In essence, the program seeks to resolve some issues caused by the construction of major highways, roads, rail, etc. This could be something that helps us create a much-needed pedestrian link over I-69 at Morrish Road. With new retail coming, and the school's Cage Fieldhouse there, it makes sense to connect this to Applecreek and the rest of downtown to the south.

OHM will be writing a grant for this, but in typical federal fashion, it is only a planning grant at this point. This means that we are going to spend a couple thousand to apply for a grant that will cover the federal planning requirements for the improvement itself. This plan is estimated to cost \$80,000 and is what the planning grant will cover. Once complete, we can make application for the improvement grant itself. If this seems like a long and tedious process, it is. However, it may be the best way to address this need.

- ✓ **WATER – SEWER ISSUES PENDING** (*See Individual Category*)

- ✓ **SEWER REHABILITATION PROGRAM** (*Update*)

Inliner has only four more segments to do. This project should be wrapped up very shortly and included Morrish, from I-69 to Miller Road (I-69 north was constructed in about 2006 when the county interceptor was installed in Clayton Township, and Morrish Road, from the south city limits to the creek is now an inter-community collector). They will also be doing Miller from Paul Fortino to the west city limit of the line.

We are also putting together a more formal five-year city-wide cleaning program. This was being put on the back burner so that we can put more resources into lining instead of cleaning. Again, the benefit is that lining is relatively cheap, so the more we do now the better. In addition, the lining program is so aggressive that the result is still about 2 miles (10%) of the system being cleaned in the process. This is short of the 20% we seek to attain, but it is reasonable.

The total cost for 2023 work was \$646,078. The big 'take away' is that we are still aggressively lining the system, which is extraordinary. The next implication is that our 20 year plan has been modified enough to lose some of its validity. This is common when plans mature. Knowing this, we plan to update our maintenance and lining records into our GIS mapping system as soon as possible so we can put forth a modified 5 and 20 year sewer maintenance plan. I do not have a timeline on this.

Note that lining work in 2024 may be reduced in scale due to the large investment made in 2023.

- ✓ **WATER MAIN REPLACEMENT - USDA** (*No Change of Status*)

See the borrowing section below for information on the continuation of the bonding process.

OHM has approvals from GCDC-WWS and USDA for water main. EGLE is the last plan reviewer, and we expect this to go more smoothly. We should be able to bid this with the streets this month. Under the current timeline, we are much less likely to see

the total completion of all Village water main and streets by the end of 2024. I expect we will see work in 2025.

Concerning the loan, we are looking at about \$270,000 in annual loan installments to pay for phase II. No grant funds were included this round. With that said, the USDA is going to require a rate increase prior to closing on the loans. They are using our fiscal year 2022 revenues of \$2,268,328 against our fiscal year 2025 expected expenses of \$2,562,849 (including the new debt service) as the basis for new rates. This means that we need to cover a gap of about \$294,521, an increase of 12.9%. This is obviously extremely high and undesirable. Note that this could be made substantially worse if the State amends the Social Welfare Act (see below).

However, keep in mind that our last payment on the GO Tax Bonds borrowing in 2016 will be in May of 2027, relieving expenses by about 2%. In addition, our projects for FY2025 are not reflected in the FY2022 actual. As such, I think we will experience lighter increases than what the USDA gap indicates. Furthermore, we have the ability to adjust rates in FY23, FY24 and FY25 to get there. This might be 4% a year instead of a large bump up front. Given recent and current inflation, this is not out of line. Lastly, this investment will cover the vast majority of capital maintenance projects for the next 30-40 years.

See the borrowing section below. In addition to the USDA lending, we considered an application to the Michigan Drinking Water State Revolving Fund. As revealed in late 2022, this program is not competitive for our needs.

This water project, regardless of the funding source, will help us afford the remainder of the Winchester Village Streets:

Greenleaf
Winshall
Durwood
Norbury
Whitney
Seymour (partial section only)

✓ **WATER SYSTEM MISCELLANEOUS** *(No Change of Status)*

We have paid an invoice to have the county begin work to abandon the 8" Dye Road water main in the vicinity of the rail line (west side of Dye). They will be using their pre-qualified contractor to perform the work, and I expect them to start at any time. The cost to perform the work is estimated to be \$17,740. We have budgeted for this, and based upon our operating agreements with the county, we should not require any other formalities or resolutions to proceed.

Moving these customers from the west side to the east side will allow the city to abandon the Dye line south of the rail. We think this is a great move to avoid potentially serious issues down the road. This line is a dead end and is prone to breaks, which can be very costly and dangerous near the rail spur. Note that the city will still maintain the water customers, even though they are on the county's intercommunity line. This is a clear long-term win for the city.

The previous report follows.

GCDC, Mundy, and Gaines have bid out a new section of water main that is supposed to connect Elms/Maple to Hill, and on to Morrish. This will provide some additional redundancy for the system. However, it does not take care of our extreme west end, where we have a pronounced need for a second feed from either Clayton or Gaines. Note that this could also encourage some new development south of the city, which is common to experience when utilities are extended during strong economic periods.

As presented by the GCDC on April 12, 2022, the new county Master Plan includes a northern loop and southern loop option to provide redundancy and stability to the system. This is good news since Gaines and Clayton Township rely on the overstressed Miller line. There will not be any cost participation by the city, but the timeline is unclear. There are rumors that recovery act funds may be put forth to accelerate a loop.

✓ **COMMERCIAL METERS AND TRANSPONDERS** (*No Change of Status*)

All equipment is installed. We await software and training. The provider is working on scheduling this. See the report from August 11, 2022, for details on this program.

✓ **HERITAGE VACANT LOTS** (*No Change of Status*)

The last of the lots acquired prior to the special assessment have been sold. The city also has two more lots that were acquired through the tax reversion process. There is interest by the builder to proceed with acquisition and construction. In addition, the association manager reached out about permitted designs and builders for the subdivision. There could be renewed interest in some building. This would finally clear us of the subdivision and put the association in a better position to build membership and dues for their operations.

Though the city cannot retain funds in addition to expenses for these lots, we are still expected to sell them at market value. Listings in Heritage for vacant units are \$10,000-\$12,000, and none of them are moving. I propose a price of \$10,000 for each lot. If there is no objection, I will bring this back to the council for the first step of the sale process.

✓ **NEWSLETTER** (*No Change of Status*)

The newsletter is out. Let me know what you think.

✓ **CONSTRUCTION & DEVELOPMENT UPDATE** (*See Individual Category*)

This will be a standing section of the report that provides a consolidated list for a brief status on public and private construction/developmental projects in the city.

1. The **raceway owner affirmed the removal of two out-buildings imminently**. The last should come down this fall. He hopes, but will not commit, to removal of the main building in 2024.
2. **(Update)** The **reuse of Mary Crapo is becoming a reality**. It appears that a plan is coming together to put a varsity baseball field here. The school is open to a partnership that may allow the DDA to pursue seasonal skating and/or public art. Their plans are also likely to have an impact on the lane configuration for Ingalls.

3. The **school bond** will exceed \$50 million in district wide improvements that are close to completion. The improvements so far are very impressive, especially what is occurring at the middle and high schools. Most buildings have enhanced access and drop off lanes, as well as STEM labs. This work is substantially complete and will be removed from future reports.
4. **(Update) Street repair in 2023** is moving forward. Miller Road is underway now. Local street work will be out for bid as fast as possible. Crack filling is done and markings are on the way.
5. The **Brewer Condo Project** first tri-plex is complete and for sale. We can affirm now that two of three units have sold! The third is apparently under contract for sale. The builder reached out to discuss the future phases. He said there is a lot of interest in the concept and location. However, the lack of a ground floor master bedroom is a non-starter for most buyers. He believes they can redesign the layout to accommodate this need, which might result in the future phases being multi-story duplexes. I indicated that this may be the best path forward. A site plan revision would be necessary.
6. The next **Springbrook East** phase is under construction. **There appears to be a sale of this project occurring.** Nothing is official yet, but it is likely that there will be a new builder for future phases. In the meantime, there are three units available in the current phase. We are beginning the process of inspecting infrastructure for final improvements and the eventual transfer to the city.
7. The **southwest corner of Elms & Miller** is seeing some increased activity. This is likely due to the consolidation of two more properties at a recent auction, greatly expanding the available footprint. We have a court order to remedy blight at 7015 Miller. However, our attorney indicates they are proceeding independently to make this happen, and we are inclined to pursue this path, which was ultimately the solution for the adjacent homes with the same owner.
8. **(Update) Park projects** are substantially complete and include both basketball courts and Elm's tennis courts. Paint markings on the Elms basketball courts are done. There is also an opportunity to mark the open area next to these for some use (pickleball, a 2D toddler village, etc.)
9. We have some interest in two **Meijer out lots**, as well as some potential **downtown renovations**. There are no applications or site plans, but I will keep the council informed if anything takes shape.
10. **(Update) New Businesses continue to come to town.** The apartment building next to Fast Eddies office and the remodeled dentist office is going to be renovated. The use will be primarily storage for Fast Eddies.
11. **Mundy Megasite/Costco.** By all accounts, Costco will likely be placing a store on Hill Road, by US-23. There is no update regarding the megasite that the MEDC and regional chamber are marketing on Maple Avenue. We have had no official communication from either of these groups on this matter.

✓ **SAFE ROUTES TO SCHOOL (Business Item)**

The project is substantially complete, and the engineer is working through the final punch list items. Overall, we are quite pleased with the quality of work, project timing, and price (we expect to come in at or below budget).

As we finalize the work, there is one last lingering component. The property on the west side of Fairchild, immediately north of the creek has a unique relationship with the trail.

This property and its buildings are extremely close to the trail, uniquely so, making private enjoyment of the property a challenge. It is also not a good situation for kids using the trail for daily use to be in such close proximity to the driveway, parking, storage for the home.

We have been aware of this issue since seeking easements, and a verbal understanding was achieved between the owner of the home, the city, and the school to provide some screening as part of the trail project. With the trail installed, we can now proceed with the marking and pricing of a screening fence.

We had a similar issue arise at Elms, where the school staff have requested a gate that they can control during school hours for security reasons. This was a smaller investment, so we were comfortable adding it to the SRTS project. Since this is not technically a participating component of the MDOT grant and it is above our bid threshold as an independent item, it is best approved by council as a separate work item.

I have worked with Michigan Fence to price a screening fence for this section. We priced a cedar fence. The estimate is included and is \$8,298. We have permission from the school to place the fence on their property, far enough from the trail for maintenance. This will include a section of north-south oriented fence that the owner had previously installed and that was removed to accommodate the path.

All three parties have been very agreeable and compromising in resolving this issue. I think this is a reasonable outcome and encourage the council to support it. Again, this probably could have been added to the project as a new scope item, but given the unique nature of the issue and the scale, I think it is better to apply some added scrutiny. Given our relationship with the fence company and the need to more reasonably quickly on the matter, I support circumventing additional bids for this one scope item. This is permitted under the purchasing ordinance based on the circumstances.

✓ **REDEVELOPMENT READY COMMUNITIES (Update)**

The Methodist Church project is being heavily marketed. However, it appears there may already be a restaurant user that is attempting to make the purchase! This could be great news for the building and the downtown!

There is another downtown property owner that is considering a transformational investment in their property using the RRC architectural services. Time will reveal if this will bear fruit. I expect another renovation for an existing building on Miller Road to submit plans for the planning commission in October.

Our community continues to pursue a crowd funding match for a public place enhancement. The Public Places, Community Spaces opportunity is a big deal and can provide up to \$50,000 towards a downtown project (perhaps as much as \$75,000 if it includes universal design)!

A steering committee has been formed to tackle this project. Initial pricing for an engineered space was very high. We are now working with a community group that consists of a local architect, builder, and staff to see if we can source something more approachable.

The primary option for this is to invest in Holland Square to provide built-in structures for community seating, vending, entertainment, and related activities. There are a couple examples of this already that seem to work well in public spaces. Such a concept would activate Holland Square along Miller Road by providing social interactions, market activities, and some recreation. It would also include lighting, sound systems, and some shade/weather protection. Parking would be reduced but only minimally. Another Michigan community achieved their funding goal to realize their vision this month!

✓ **TAX REVERTED PROPERTY USE** (*No Change of Status*)

Concerning previously acquired property, the Wade Street property that the city acquired on the corner of Second Street is in the flood plain. J.W. Morgan was looking at it, but they have their hands full elsewhere, and this is a marginal site. I think we should consider looking to sell the property to a neighbor or having a home built ourselves. For the later option, I suspect we will not get our money back in the sale. However, we can take a tax exempt property with annual maintenance costs and put it on the tax rolls. Doing so would provide over \$1,000 a year to our respective local levies & assessments...forever.

The site has been cleared of personal property as requested.

✓ **CDBG** (*No Change of Status*)

We signed the agreements, which means we can bid the projects during the winter. The previous report follows.

Applications were submitted for the 2022-2024 cycle which will go towards senior services and new downtown residential neighborhood sidewalks and/or decorative lighting.

As time continues to pass and prices climb substantially, I do not believe we can tackle the scope of work that we planned. The regional planning commission indicated that we have the ability to scale back the project prior to bidding. I recommend we do so to keep the project affordable. This does not mean that the other sidewalks cannot be placed with local funds. However, I recommend that if the city wishes to install such walks, that we do so at a separate time with local funds and not in tandem with the federal CDBG funds, which require prevailing wages.

✓ **GIS MAPS** (*Update*)

Our GIS system will forever be a work in progress as we add new data and update existing features. For now, we have a significant amount of work completed and will continue with field work. I will remove this section from future points unless there are significant changes to the program.

✓ **DISC GOLF** (*No Change of Status*)

Shattered Chains hosted volunteer workdays the weekend of the 19th! They got much work done! All 18 baskets and fairways are good to go. The tee pad installation is the next step. The group is very happy with how things are going.

✓ **PAVILION COMMITMENT/GRANTS** (*Business Item*)

The city applied for a recreation passport grant. Our grant writer has also submitted requests to Congressman Kildee's office and both US Senators for congressional directed spending. It appears that our request through Kildee's office WILL be in the federal budget.

However, the amount may be less than was requested. Since the project is scalable, we can live with this by reducing scope items (e.g. aggregate parking instead of paved).

If we can combine this with the RPG, we should still be able to get something good accomplished. We are still hopeful that Jentery Farmer's family will be able to contribute a sizable donation, perhaps as large as \$50,000.

On that note, Jentery's family is holding a fundraiser on Saturday, October 7th in Linden. This will help support the improvements at Otterburn Park. If you are interested, let me know!

In most recent news, we have preliminary scores back from the Recreation Passport Grant. We are working with our grant writer to resubmit and improve our score for final review. This requires some changes on our part. The grant team indicates that we should add some features to the DNR grant scope to increase competitiveness. This includes some sustainable features, accessible features, and some visibility features.

As such, we are looking to take some scope items from the total project and front-load them into the DNR grant. This includes some benches, waste bins, a park sign, ADA parking, and a bike station. Another big change is the allocation of engineering, contingency, and mobilization to the RPG grant. This is an increase of over \$100,000 for this application as well. Again, these were planned project costs, but they were previously not included as line items for this funding source. I am including the original and revised plan and cost list.

Making these changes does not change the overall park plan, but it does bump up some items that were slated to be completed with federal funds and moves them into the Recreation Passport Grant Scope. This means the city will be matching more to the DNR grant. However, we expect to be making the match with federal and/or donated funds, in addition to the general fund obligations that are already made. With that said, the overall scope is not being increased. Overall, we will likely be reducing items from the federal scope to work intendment with a lesser award.

I will spend some time explaining this verbally at the meeting. I recommend we adjust the scope, including increasing the match. An affirmative resolution is included.

✓ **SPEEDING AND TRAFFIC CONTROL** (*No Change of Status*)

Mary Crapo is likely to be used as a sport facility for the school. Initial indications are that the Ingalls Street side of the block MAY be altered to accommodate additional angle parking. This could drastically change the composition of the street. With that in mind, I think it is prudent to wait until this plan is put forth in the coming months so we can plan any markings, speed bumps, or other features in tandem with the school changes. The previous report follows.

Examples for speed humps are in the May 22, 2023, packet. There is not a 'silver bullet' solution for speeding. Instead, we can look to implement various strategies for traffic calming and enforcement that each play a role in moving average traffic speeds to the slower end of the spectrum.

With that said, speed bumps can play a part on certain streets, such as Seymour at Oakview or on Ingalls. We can also continue to look at narrow lanes, on street parking, street trees, radar signs, traffic officers, and pavement stencils. The downside is that there is not currently a budget set up for this. It may be a worthy idea to test a pilot area, such as Seymour or Ingalls, where multiple strategies are enacted at the same time. The previous report follows.

Metro PD is providing two permanent speed monitoring and feedback signs. These resemble the portable signs, but they are bigger, self-powered, and more stationary. We have selected two city gateways that have some ongoing issues as prime candidates. One is Morrish, south of I-69, southbound. The other is likely to be Elms. We were leaning towards Miller, east of downtown, but the curve and right of way may not be the best.

The DPW is very impressed with these. I inquired to Metro about pricing and if the mobile trailer is available. If our experience is positive and prices reasonable, we may look to budget more as part of our community speed control program.

The idea is to create more awareness and accountability as folks enter the community and enter neighborhoods. We may be able to move or place such signs on Seymour, Ingalls, or other areas if we find they are useful. The previous report follows.

With the surface of so many streets improving, we are fielding more and more speed complaints. Since there is not long standing data on this, it is not clear if drivers are speeding more, people complain more, or standards are getting higher. In any event, we are now getting complaints for Hill Road (2022 resurfacing), as well as streets in Winchester Village. Regardless of the posted speed limits, a smooth road surface has the obvious impact of enabling higher speeds.

In the interest of calming traffic in all neighborhoods, it may be prudent to invest in some measures to create more awareness of speed, in addition to opportunities for great enforcement and physical design considerations. Some obvious markings that we can consider for Ingalls, Hill, and other streets are below. These are relatively inexpensive and can send a strong message, especially around schools. They are also easy to add, whereas design considerations such as narrower lanes can take years and cost much.



✓ **FIBER INSTALLATION** *(No Change of Status)*

All but a couple of Frontier's fiber permits are approved. Work on installation has begun in the city and surrounding townships. We are working with them to avoid Miller Road conflicts during construction. The previous report follows.

Frontier is planning to expand the fiber communications network to the entire city. In the next 12-24 months, we should see the buildout of the primary fiber network, which will enable nearly every commercial and residential user to have access.

In short, the network will follow the existing copper lines. If the lines are buried, the fiber will be bored into the same 'trench'. If they are aerial, the fiber will be wrapped into place on the existing lines. (Copper lines are required to remain in place because they function on their own battery backup system and provide an essential service during power outages).

We do not expect any new utility conflict issues, nor do we expect any of our right of ways to experience unreasonable disturbances or pavement breaks. We also talked at length about the need to clean up the current overhead wires in cases where there is superfluous cable/wire, sagging lines, stub poles, etc. They indicate this is a big part of the investment.

✓ **USDA AND ROAD BORROWING** *(No Change of Status)*

We are prepared to borrow for both water and street work. We will bid all work soon and have a better understanding of what our financial needs will be. Until then, there will not be any direct sale (USDA) or competitive sale (street bonds). Note that the P&G rating is in and sits at AA-. This is a good rating, with BBB being considered investment grade. Bonds of AA rating are determined to excel as investment opportunities in all aspects. Both AAA and AA bonds are generally favored among investors and are deemed high grade bonds. However, AA bonds are perceived to carry additional risk, hence the marginally lower rating. The report is attached.

✓ **SOLAR SYSTEM MODEL** *(No Change of Status)*

We are continuing to seek funding for the solar system model that was proposed to run between Elms and Otterburn Parks. We officially have a partner with an observatory in Nelson, NZ (they requested metric units for their sign). This will require the purchase and shipping of a sign station to NZ, an expensive endeavor. However, since we are approved to use the MEDC RRC crowdfunding and external grants, we think this is worth it. Who knows, we may even create a Guinness Record for the world's biggest scale model.

Note that we are including wayfinding (directional) signs for this stretch that goes between Elms, Otterburn, and Elms School. This will serve to keep those unfamiliar with the area on track. This requires a new set of proposals from Signs by Crannie.

The previous report follows.

We contrived an interactive scale model of the solar system that could be displayed and described on the new trail. The idea is that the sun would be at the Elms trail head, with Neptune at Otterburn Park. Folks can walk/bike the distance and learn about the solar system, seeing the solar bodies in scale imagery/models.

We have begun preliminary conversations with Nelson, New Zealand to participate. Their community is 8,630 miles away, which reflects the approximate distance to the next closest star.

The park board approved this concept for installation at their May meeting.

✓ **PUBLIC SAFETY ASSESSMENT** (*No Change of Status*)

2023 also completes ten full years of public safety assessment collections! The city will need to revisit the public safety assessment before the end of 2023. The process to do so is as follows.

There must be a City Council resolution approving the SAD and for the administration to gather an estimation of the costs needed for Public Safety and schedule a public hearing to consider the estimate, need for the special assessment, and hear objections. The public hearing notice must be sent by first-class mail to the property's record owner according to the last tax roll reviewed by the City Board of Review at least 10 days prior to the hearing. Publication of the notice must also occur 5 days before the scheduled public hearing in the local newspaper.

If the Council chooses to proceed, I recommend a resolution in October that sets the first public hearing for November. At that meeting, a resolution can designate the boundaries for the SAD and amount of the levy. The Council must hold a second public hearing with the same notice provisions as the first to confirm the SAD with any additions or corrections for the coming fiscal year.

I suspect that, like the first assessment, this process can occur in late fall. With the assessment and budgets firmly in place and functional for the past decade, it is likely that a renewal of the same boundaries (all city parcels) and same rate (4.9 mils) will suffice.

The previous report follows.

In 2013, the city went through a process to apply a 4.9 mil assessment to all real property in the city for the purpose of collecting revenues to support police and fire operations. This was done at a time when the city was down two full time police officers, provided about 1/5 the current amount of fire apparatus funding, and was still operating a substantial general fund deficit of about \$250,000/annually.

The underlying cause of this pronounced deficiency was the catastrophic collapse of the community's taxable value as a result of the housing crisis and a specific and dramatic reduction in GM's taxable value. Massive reductions in raceway revenue sharing were also impactful.

Note that the presence of GM and the active raceway enabled the city to be one of the lowest, if not the lowest taxing city in the state that did not have a separate income tax at the time. The assessment enabled the city to return to pre-existing service levels for police and fire, a practice that continues to this day. This increase, along with the street tax that passed a few years later, brought the city closer to the middle of the curve for tax effort (see the most recent budget book, which still has Swartz Creek as the third lowest taxing city in the region).

With that said, the assessment makes up about 30% of the city's general fund revenues and is essential to maintaining police and fire services. The city can certainly consider other options, or a combination of options, including service reductions, a voted tax, or a change in prioritization of appropriations (e.g., decrease park spending in favor of public

safety). There are costs and benefits to each approach, but this discussion is going to present itself in the coming months.

If there are any general or specific questions that council members have, please let the rest of council and/or myself know.

✓ **OTTERBURN BIKE RACE (Update)**

Concerning the event that occurred on Sunday, September 17th, the organizer said, “It went great! The weather forecasts made us nervous but luckily it turned out to be a nice day. Thank you so much for all your help getting all the approvals in place, clearing out the parking lot and the garbage cans and picnic table! We are crunching the numbers and gathering feedback but I hope we are able hold it again next year.”

✓ **BROWN ROAD LAND SALE OPTION (No Change of Status)**

The city opted not to pursue the option for the sale of Brown Road. I have relayed this information to the Shiawassee Economic Development Partnership. The director completely understands. While he may wish to pursue a first-right-of-refusal agreement, at this point it seems enough to know that the city is open to marketing the property to a potential user.

In the meantime, they requested to perform wetland delineation of the entire area. I indicated that the city would allow delineation of wetlands on city-owned property if a professional service company was conducting the definition and added the city as an additionally insured party. We have insurance, and they are likely conducting fieldwork.

✓ **CROWN CASTLE METRO ACT PERMIT (Update)**

We have a new Metro Act permit from Crown Castle. I intend to approve this under Section VI of Appendix B of the City Ordinance. See the permit as linked in the packet. However, I wish to keep the council informed of what this approval means and is likely to lead to.

On its face, this is a routine application for telecom providers to operate utilities (wires and poles) in the right of way. Our attorney is reviewing this, and he will attend our meeting to answer questions. Due to the state statute, there is not a lot of wiggle room that the city has in reviewing or denying these. There is also not much time. Down the road, we can expect permits for small wireless cells to be deployed within the city.

I have requested appendix A and B, the build-out plan and bond. As of writing, I have not received those. Note that we maintain the right to review any specific investments/additions to the right-of-way under our ordinance and under 2.4 of their application. Review of their improvements and future small wireless cells are the core of the concern with granting right of way access to a provider.

Note that this application here is explicitly for fiber lines. Any ‘small wireless facilities’ would need to be permitted separately under the Michigan Small Wireless Communications Facilities Deployment Act. I am including the state law and a FAQ on this so that council members are aware of the purpose of fiber buildout, including small cell impacts and uses.

We are currently working through this with Frontier, who is actively adding fiber cable to the community and has had their permits undergo review by our engineer. Allowing Crown Castle to add fiber will be a welcome competition for this service, something that we have been hoping for with cable for decades. With multiple fiber operators, our businesses and residents will have many options for mobile and fixed data services.

To summarize where this is going, we will have yet more cable over-lashed to existing overhead wires and/or buried in the ground. This cable sets the table to install small wireless cells. Good or bad, this is the future of mobile and fixed data services, and I believe it must be accommodated to serve the community. The state, by virtue of the Metro Act and Small Wireless Communications Facilities Deployment Act, has created most of the rules and regulations on how this occurs, right down to the size of the antenna. While this law enables use of right of ways in ways that are not always desirable, it was a necessary step by the state to create a uniform and predicable means to build out a new technological system to service the state.

Again, we will still be requiring permits to review the means of fiber and cell deployment in the city, and this gives us some statutory room to dictate the place and manner of that deployment. I have also reached out to our planner to see if our current Telecommunications Rights -of-Way Ordinance is up to date and optimized to encourage this technology while ensuring the most practical and appealing use of rights of way.

✓ **CROSS CONNECTION SHUT OFFS** *(No Change of Status)*

There are a number of water connections identified in the city that have devices in the internal plumbing that require independent testing and verification in order to comply with the state requirements for cross connections. At this point, we have many commercial and residential customers that are out of compliance after two separate notices. The inspector has sent out a service termination notice that gives the customer until December 8th to comply. If they do not, they can appear at the December 11, 2023 city council meeting to appeal the decision to terminate service. After that point and depending upon the outcome of any deliberation at the December 11 meeting, the city will be compelled to terminate water service.

This is not something we wish to be pursuing, but the expectations for cross connection are objective and reasonable.

✓ **COMPENSATION COMMISSION** *(Update)*

This group is due to meet on September 28th and make their recommendation on city council compensation. Though not required, we also ask them to review and recommend compensation for Zoning Board of Appeals and Board of Review. I will report their findings. They usually recommend inflationary increases. They have also reworked stipends to account for technology needs in recent years.

As of writing, there is not a meeting scheduled for the Board of Elections, and it appears the election worker pay decision will be completed in early 2024 and not at this time.

✓ **ALLEY DISCUSSION** *(No Change of Status)*

I reported our findings regarding the alley by the Mary Crapo site to the school. I am not sure if they will take the next step to perform a title search or not. I will keep the council informed.

✓ **OTHER COMMUNICATIONS & HAPPENINGS** *(See Individual Category)*

✓ **MONTHLY REPORTS** *(Update)*

The standard set of monthly reports are included for your enjoyment.

✓ **BOARDS & COMMISSIONS** *(See Individual Category)*

✓ **PLANNING COMMISSION** *(No Change of Status)*

The PC met on August 1st. The September meeting was cancelled. The purpose of the meeting was to hold a public hearing and deliberate on the merits of a Planned Unit Development Overlay for the downtown. The planning commission deliberated on a boundary for the overlay, a massing concept plan for the district, and design guidelines. These changes are intended to attract and promote more dense redevelopment and use of properties in the downtown.

The commission recommended approval of the ordinance, and the city council affirmed the ordinance. There is not any pending business at the moment, but there are some conceptual inquiries for a Meijer out lot and some downtown property changes. I do expect a site plan or two this fall. The next regular meeting is scheduled for October 3, 2023.

✓ **DOWNTOWN DEVELOPMENT AUTHORITY** *(Update)*

The DDA met on September 14th. They appointed new officers, with Todd Beedy being selected as Chair, Autumn Jesme being selected as Vice Chair, and Connie King as the Secretary. They also approved a \$1,000 sponsorship for the Jeepers Creekers event and additional funding for the downtown historic signs.

Their next meeting is scheduled for October 12th.

✓ **ZONING BOARD OF APPEALS** *(No Change of Status)*

The ZBA held their annual meeting, including Advanced ZBA training, on March 14th. They selected incumbent, James Packer, for the chair. They replaced the late Robert Plumb with John Gilbert for the vice chair position. Mr. Ron Smith was selected for another term as secretary. There are no pending variances, appeals, or interpretations.

✓ **PARKS AND RECREATION COMMISSION** *(Update)*

The Park Board met on September 19th. They considered the paved open space at Elms Park, that is between the basketball courts and tennis courts. This area has been paved for many years, but it had no dedicated use. With the surface being improved, it appears prudent to activate it to maximize its value to the community. At the meeting, a couple residents expressed a desire to stripe it for pickleball. Apparently, there are no regulation pickle ball courts available, since the courts that exist in the tennis area have higher and wider nets that do not enable full play.

As such, they advocated for the striping for four courts on the current asphalt. They said that an ideal setup would be to have an east-west net that separates players on

the north courts from the south courts. They also felt a fence between the basketball area and pickleball area would further reduce the chance of interference from play. To get things going, the park board decided to apply striping, with the understanding that most players bring their own nets. If budget justifies it, nets and/or fencing could be added in the future.

With the popularity of pickleball so high and so easy to accommodate, they are going to get a report on the viability of putting this use at the former basketball court at Abrams as well. In addition, the Friends of Abrams Park group may also have some ideas for this area.

The park board also requested that the 'no overnight parking' provision be signed and enforced for Abrams parking lots. The DPW will install signs, and staff with request Metro to keep an eye on these areas.

A boulder that used to be a part of the Crapo Farm is being donated by a family that has the rock a few miles to the west, across the county line. Rob is working to relocate the boulder back to the Crapo Farm area so that it could be part of a historical feature that includes interpretive signage. Abrams Park was the chosen location.

Lastly, Samantha is likely going to be working on volunteer recognition in the coming months. She has been actively recruiting people to look after public assets across town. With so many stepping up to help, along with those that have been dedicated to the parks, flowers, and other assets, it is time to start a program to acknowledge their efforts. More to come!

The next meeting is scheduled for October 17th.

✓ **BOARD OF REVIEW** *(No Change of Status)*

The July BOR was Tuesday July 18 at 3:00. This session is set aside for Qualified Errors, Disabled Veterans Exemptions and Poverty Exemptions. There were no petitioners. We had a quorum of board members, with the alternate also attending.

✓ **CLERK'S OFFICE/ELECTION UPDATE** *(Update)*

Routine duties include record management, publications, FOIA request, human resources, payroll approval and everything related to elections.

Connie and I attended the Michigan Association of Municipal Clerks 2023 Member Education Day on August 30, 2023. We received some information on the 9-day early voting process, but not as much as we would have liked. We are waiting for legislation to pass/fail to know more. At this point, it is just a waiting game.

We attended the Genesee County Clerks meeting on September 7, 2023, and learned more information about early voting. We are not allowed to implement early voting for our election this November but have to wait until 2024. The State is only allowing one municipality from Genesee County to pilot and implement the 9-days of early voting this coming November. We also learned about new Hart election equipment.

As always, please remember to check your mailbox.

✓ **DEPARTMENT OF COMMUNITY SERVICES UPDATE (Update)**

- ❑ DPS continues to GPS water and sewer assets. This will be ongoing for most of the year as we have time available.
- ❑ Civic Center parking lot is completed. The lot looks fantastic and should serve the community for many years.
- ❑ SRTS trail project is nearing completion. We have completed a walkthrough and are developing a punch list for completion of the project.
- ❑ Miller Road is underway. Project is moving along nicely with the north side of the road complete. Contractors are completing removal of curb and sidewalk on the south side, and they will begin pouring concrete on the south side Friday 9/22. Project is on schedule to be completed by the expected completion date.
- ❑ Grove street was milled and resurfaced on 9/14 and 9/15. There are holes where they will come back and cut out the manholes, raise them to grade and pour concrete around them. This will happen when they are performing that operation on Miller Rd.

✓ **TREASURER UPDATE (Update)**

The auditors from Plante & Moran are close to completing offsite fieldwork for the FY23 audit. Our staff is continuing to work with them on open items as they arise. I am continuing to work with Amy Nichols in preparation for her assuming the finance and treasury duties. Routine operations include, but are not limited to, processing payments for utility bills, tax bills, delinquent personal and qualified real taxes, building permits, daily/weekly/monthly journal entries, bank wires, review/approval of accounts payable invoices, issuance of building permits and rental inspection collections, processing payroll, accounting for grants and projects and other financial matters impacting the city.

✓ **ECONOMIC DEVELOPMENT UPDATE (Update)**

At the end of last week, I attended the IEDC's (International Economic Development Council) annual conference in Dallas, Texas. I went down early to take the certification exam and can proudly announce that I passed! Only 10 applicants out of 43 passed this round. I am now a CECD, Certified Economic Developer through the IEDC. There are 1200 that hold this certification throughout the world, and none other than myself in Genesee County, that I am aware of at least. In addition to coming back with my certification, I also made a lot of great connections to other professionals in the industry and learned about interesting projects in other parts of the country.

The historical sign project is moving right along! More details to come, but I expect these to be done soon. Once I have that date, I will create an event to celebrate it and share it with everyone.

I have been getting the "backend" of things ready to start a PSCP campaign to help us crowdfund donations towards Cosmos in the Creek: A Solar System Voyage – planet tour that we are going to place on the Genesee County Trail Extension from Elms Park to Otterburn. We just received the total budget for that project, and still have a few details to get straight before we can move forward with the crowdfunding campaign. I'm hopeful this will be done soon as well so the campaign can be finished before winter.

Adam and I also met with the new person in charge of Hometown Days, Susan Mesack. She seems excited about making some changes to the annual festival. We talked about

potentially partnering with them on an ugly sweater pub crawl, and a movie night at Holland Square during HTD.

I will be attending a meeting in early October to discuss Christmas Parade details with the SCAFD and the GFWC (Greater Flint Women's Club). I'm hoping we can get the business community involved more to make it an even greater success than usual!

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

✓ **HOMECOMING PARADE PERMIT** (*Business Item*)

The parade is scheduled for Friday, October 6th! The route, day, and time are identical to previous parades. As can be expected, the route is not perfect and results in some inconvenience, but Everything looks good for approval. Review by the police and DPW is positive.

We are very much aware of the Miller Road work, but we are working with Ace of ensure that the route (as well as the Trunk or Treat) go well for these dates. A resolution and accompanying materials are included.

✓ **EARLY VOTING LOCATION DETERMINATION** (*Business Item*)

The passage of Proposal 22-2 last November necessitates the need for changes to state election law. These changes land squarely on municipalities to manage, even though the state is setting guidance in accordance with the proposal.

One of the most notable changes is the provision for nine-day early voting. Each voting site must be open for nine consecutive days prior to an election, beginning with the second Saturday prior to each election. All of our in-person voting precincts currently vote at the United Methodist Church. This practice will not change for election day. However, given the expected voter demand and practical considerations with operating nine more days of in-person early voting, we believe the best solution is to host this at the municipal offices.

Connie and Renee are strongly supporting nine day early voting for the municipal offices. At this point, a resolution is required to establish and location and eight hours of access for each day. Such a resolution is attached, and I recommend we proceed.

Council Questions, Inquiries, Requests, Comments, and Notes

City Boundary: There is a discrepancy in the municipal boundary between what is in our charter and what was filed with the state in 1958. This is reflected as a difference between the boundary we use for all intents and purposes with that of the census map that is utilized by the state. We are making corrections now. This will result in more accurate (increased) population counts, road miles, and GIS information. As of writing, I am not sure this is going to be worked out.

DPW Equipment: The dump will be listed upon delivery of the replacement. We cut the check for the new chassis this week. We are looking to list one of the surplus backhoes as well.

2024 Meeting Schedule: We have a responsibility to get the 2024 calendars out for public use. Though council does not officially adopt the next fiscal year meeting

schedule until June, we are going to go with the standard meeting dates, including 1st and 2nd Mondays in December. This can be amended in the future.

Genesee Wind Symphony: The coming shows are Monday, October 30th at 7:30pm at the PAC (this is not a council meeting day). There is also a show on December 11th at 7:30pm. This is a council meeting day so we may look to reschedule the meeting for 6:00pm.

**City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday, September 25, 2023, 7:00 P.M.**

Motion No. 230925-4A **MINUTES – SEPTEMBER 11, 2023**

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, September 11, 2023, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 230925-5A **AGENDA APPROVAL – SEPTEMBER 25, 2023**

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Regular Council Meeting of September 25, 2023, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 230925-6A **CITY MANAGER’S REPORT**

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager’s Report of September 25, 2023 including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 230925-8A **RESOLUTION TO APPROVE A PARADE PERMIT FOR THE SWARTZ CREEK COMMUNITY SCHOOLS HOMECOMING PARADE ON OCTOBER 6, 2023**

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek owns, operates, and maintains a network of major and local streets; and

WHEREAS, the streets, upon the finding of a public benefit and no unreasonable hardship, may be permitted for closure from time to time as permitted by the city council; and

WHEREAS, the Swartz Creek Community Schools seeks a street closure permit for the annual Homecoming Parade, to commence at 5:00 p.m. on Friday, October 6, 2023; and

WHEREAS, the city council, following the recommendation of the police authority, finds that the application, including insurance, is complete and that this event offers a public benefit without imposing an unreasonable hardship.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek approves the application of the Swartz Creek Community Schools to conduct their annual High School Homecoming Parade on Friday, October 6, 2023 from 4:45 pm to 6:30 pm. Parade route as follows:

Crapo/Maple, Eastbound to Morrish
Morrish, Northbound to Miller
Miller, Westbound to Fairchild
Fairchild, Southbound to Middle School

Under the direction and control of the Chief of Police (or designee) and in accordance with the stipulations and conditions set forth in the permit and application, including the provision of proper insurance.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 230925-8B

**RESOLUTION TO ESTABLISH AN EARLY VOTING
PRECINCT AND LOCATION**

Motion by Councilmember: _____

WHEREAS, the voters in the State of Michigan, on November 8, 2022, approved the passage of Proposal 22-2, which in part, entitles registered voters to vote in every State and Federal election in person at an early voting site prior to election day; and

WHEREAS, Proposal 22-2 requires that Early Voting site must be open for nine (9) consecutive days beginning on the second Saturday before the election and ending on the Sunday before the election, for at least eight hours each day; and

WHEREAS, the Secretary of State requires that all early voting dates and times be posted forty-five (45) days prior to every election; and

WHEREAS, the City Clerk recommends that the Early Voting Precinct for all City of Swartz Creek registered voters be held at the City Office Council Chambers located at 8083 Civic Drive, Swartz Creek, MI 48473, as it meets all polling place requirements set forth in Proposal 22-2.

NOW THEREFORE BE IT RESOLVED

1. The City of Swartz Creek Early Voting Precinct is established and will be located at the City Offices Council Chambers, 8083 Civic Drive, Swartz Creek, Michigan 48473, for registered voters in the City of Swartz Creek;

2. The Early Voting Precinct for State and Federal Elections will be open for nine (9) consecutive days beginning the second Saturday before election day through the Sunday before election day during the hours of 8:00 a.m. to 4:00 p.m. or as posted before each election.

3. The City Clerk shall post all early voting dates and times as well as the location of the Early Voting Precinct at least forty-five (45) days prior to every election.

4. Authorize the City clerk to exercise all authority and independent judgement that is reasonably necessary to conduct early voting in accordance with these principles and all legal/administrative requirements.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 230925-8C

**RESOLUTION TO APPROVE FENCE INSTALLATION
ALONG THE SAFE ROUTES TO SCHOOL TRAIL**

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek is in the process of finalizing the construction of the Safe Routes to School trail project, which traverses property owned by Swartz Creek Community Schools; and

WHEREAS, said school property is adjacent to private property that is unique in its proximity and close distance to the trail; and

WHEREAS, said property owner, school staff, and the city acknowledge that use and reasonable enjoyment of the property is compromised; and

WHEREAS, the city, the private property owner, and the school all desire to enable trail use in a way that is safe for users and reduces liability for all parties; and

WHEREAS, fence construction by the city has been found to be the most effective and efficient way to accomplish this objective; and

WHEREAS, Michigan Fence Co. has proposed to install a screening fence for \$8,298; and

WHEREAS, timing and quality of the installation are of the essence, and the city believes the economic interests of the city are best served proceeding with this negotiated proposal to see the work completed under Sec. 2-402 of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the proposal submitted by Michigan Fence Company, Inc in the amount of \$8,298, dated September 19, 2023.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 230925-8D

RESOLUTION TO AUTHORIZE AN INCREASE TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES RECREATION PASSPORT GRANT MATCH

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek approved the submission of an application titled, "Otterburn Park Improvements" to the Recreation Passport grant program for pavilion construction and related site improvements at Otterburn Park; and,

WHEREAS, the City of Swartz Creek made an initial financial commitment to the \$170,000 project in the amount of \$42,500 matching funds; and,

WHEREAS, the overall project scope, including contributions from Congressional Designated Spending, includes additional features at a budget of \$865,860; and,

WHEREAS, the first round review of the application by the Department of Natural Resources encourages adding project components that are included in the overall project, but were not included in the initial DNR grant application; and,

WHEREAS, including those components, such as benches and sign, increase the cost of the DNR project, necessitating an increase in the local match; and,

WHEREAS, the construction of a pavilion at Otterburn Park is included in the cities capital improvement program, as part of a multi-phase Otterburn Park plan.

NOW THEREFORE, BE IT RESOLVED that the Swartz Creek City Council hereby authorizes amendment of the Otterburn Park Improvements Recreation Passport grant Application for \$127,500, and further resolves to make available a local match through financial commitment and donation(s) of \$190,200 (25%) of the total \$317,700 project cost.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 230925-11A

ADJOURN

Motion by Councilmember: _____

I Move the Swartz Creek City Council adjourn the regular council meeting of September 25, 2023.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 09/11/2023**

The meeting was called to order at 7:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger.

Others Present: Bob Plumb, Metro PD Chief Bade, Betty Binder, Tom Spillane, Marcia Pavkovich.

Others Virtually Attended: Lania Rocha

APPROVAL OF MINUTES

Resolution No. 230911-01 **(Carried)**

Motion by Councilmember Spillane
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday August 28, 2023, to be circulated and placed on file.

YES: Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 230911-02 **(Carried)**

Motion by Councilmember Henry
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as printed for the Regular Council Meeting of September 11, 2023, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer, Spillane.
NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 230911-03

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of September 11, 2023, including reports and communications to be circulated and placed on file.

Discussion Ensued.

YES: Hicks, Krueger, Knickerbocker, Henry, Cramer, Spillane, Gilbert.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

MILLER'S SETTLEMENT CITIZEN OF THE YEAR

PROCLAMATION

Mayor Krueger presented Rick Henry with the 2022 award. Rick was born in January 10th, 1950 to Willis and Carletta. He probably did not know it at the time, but he was born into one of the most influential, dedicated, and abundant families in the Swartz Creek area, with fourteen siblings to his household alone! With that being said, he is still very distinguished in his accomplishments.

Rick has lived in and around Swartz Creek for his entire life, including Mundy Township, Gaines Township, and Swartz Creek. He graduated in 1969 from Swartz Creek and hired into General Motors. He currently resides on Bristol Road, in a home that is well-kept and easy to distinguish because of the Coke collectibles and Gas Globes that Rick has acquired over the years.

He was married to Joan in November of 1970, a relationship that continues to this day, nearly fifty-three years on. From that marriage, they have raised Sarah, and Ben. The kids have moved on, but not so far. Sarah and her family have planted roots and built a new home of their own right next door to Rick and Joan, a sure sign of the quality of life that Rick has cultivated as a family man.

Beyond the family ties, which, again, are very extensive, Rick is a fixture in the community schools and parks. Rick is a large reason why Elms Park is as successful as it is today. He was instrumental in the building of the Elms Park Playscape, which is one of the most expensive, well-used, and popular features of the entire park system. This undertaking required massive amounts of volunteer time, donations, and planning.

One of Rick's most valuable contributions to the community was his work with the Swartz Creek Veterans' Memorial.

Currently, Rick is still involved with Morrish Elementary, working in the playground, cafeteria, and classrooms.

Break for photo op from 7:21-7:29pm.

RESOLUTION TO APPROVE THE FISCAL YEAR 2023 BUDGET FOR THE FIRE DEPARTMENT

Chief Plumb reviewed the fire budget.

Resolution No. 230911-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Cramer

WHEREAS, the agreement for fire service between Clayton Township and Swartz Creek City indicates a specific process for budgetary review and approval by the municipalities; and,

WHEREAS, the staff of Clayton Township and the Swartz Creek City have found the proposed budget to be acceptable by both parties; and,

WHEREAS, the Swartz Creek Fire Board affirmed the proposed budget at their regular meeting on August 21, 2023

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek approve the Fiscal Year 2024 Swartz Creek Area Fire Board Budget, a copy of which is attached hereto, gross maximum total not to exceed \$399,031.50, to be paid commensurate of the agreement between the City of Swartz Creek and the Township of Clayton, payment being the City's obligation of one-half of the proposed total budget.

Discussion Ensued.

YES: Krueger Knickerbocker, Henry, Cramer, Spillane, Gilbert, Hicks.
NO: None. Motion Declared Carried.

Discussion ensued regarding future equipment needs and purchases.

RESOLUTION TO APPROVE COOPERATIVE PRICING AND ESTIMATE OF SERVICES FOR ROAD STRIPING SERVICES

Resolution No. 230911-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

WHEREAS, the city finds it necessary to properly and adequately mark its streets with paint for lane delineation and related purposes; and

WHEREAS, this process requires various pavement markings and decals to be applied to the city streets to complete this process; and

WHEREAS, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for and encourages cooperative government purchasing practices; and

WHEREAS, the Genesee County Road Commission has accepted pricing from M & M Pavement Marking, Inc. for the purchase of linear pavement markings to public rights of way; and

WHEREAS, the Livingston County Road Commission has accepted pricing from M & M Pavement Marking, Inc. for the purchase of symbol markings to public rights of way; and

WHEREAS, the unit costs bid to the two counties have been made available to the City and the city council finds that the lineal foot costs and symbol costs listed cannot be matched if attempts were made to bid on the open market or through private sources.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council accept the Genesee County Road Commission's cooperative purchasing extension for the purchase of linear pavement marking services and the Livingston County prices for symbols from M&M Pavement Marking, Inc., as in the September 11, 2023 city council packet, expenses to be distributed to the Local and Major Street funds proportionate to use at the direction of the City's Finance Director.

Discussion Ensued.

YES: Knickerbocker, Henry, Cramer, Spillane, Gilbert, Hicks, Krueger.
NO: None. Motion Declared Carried.

RESOLUTION TO OPT-IN TO THE GENESEE COUNTY FIVE YEAR PARKS, RECREATION, OPEN SPACE AND GREENWAYS PLAN

Resolution No. 230911-06

(Carried)

Motion by Councilmember Knickerbocker
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek continues to seek collaboration in providing recreation resources and meeting future needs for recreation lands, facilities, and services; and

WHEREAS, the City of Swartz Creek will continue to operate under the approved City of Swartz Creek Parks and Recreation Plan of 2023; and

WHEREAS, the Genesee County Parks and Recreation Commission has offered to include recreation action plan items for the City of Swartz Creek in its Five-Year Parks, Recreation, Open Space and Greenways Plan to allow for any future opportunities and cooperation.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council authorizes inclusion of the City of Swartz Creek Park Plan in the Genesee County Parks and Recreation Commission Parks, Recreation, Open Space and Greenway Plan, for submittal to the State of Michigan.

Discussion Ensued.

YES: Henry, Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker.
NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE COMMISSION APPOINTMENT

Resolution No. 230911-07

(Carried)

Motion by Councilmember Henry
Second by Councilmember Cramer

WHEREAS, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the City Council require and set terms of officers for various appointments to City boards and commissions, as well as appointments to non-city boards and commissions seeking representation by City officials; and

WHEREAS, there exists a vacancy in such a position; and

WHEREAS, said appointment is a Mayoral appointment, subject to affirmation of the City Council.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council concur with the Mayor and City Council appointment as follows:

#230911-07 MAYOR APPOINTMENT: Tamara Parenteau
Downtown Development Authority – Property Interest
Remainder of Four year term, expiring November 17, 2025

Discussion Ensued.

YES: Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Chief Plumb appreciated the council approving the budget and commented on the good dialog.

REMARKS BY COUNCILMEMBERS:

Mayor Pro Tem Hicks thanked the Chief and welcomed Renee Kraft and Amy Nichols. Councilmember Cramer is waiting for a date for the tour of the recycling center, GFL. He invited everyone to attend a fundraiser for Steve Long on September 17 at 2:00pm at Jan’s Bar. Commented on consolidating the fire departments.

ADJOURNMENT

Resolution No. 230911-08

(Carried)

Motion by Councilmember Gilbert

Second by Councilmember Henry

I Move the Swartz Creek City Council adjourn the regular meeting at 9:07 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk

CHECK REGISTER FOR CITY OF SWARTZ CREEK
CHECK DATE FROM 08/01/2023 - 08/31/2023

Check Date	Check	Vendor Name	Description	Amount
Bank GEN CONSOLIDATED ACCOUNT				
08/10/2023	52413	ADS PLUS PRINTING LLC	#10 WINDOW ENVELOPES - 2000	403.90
			SUMMER NEWS LETTER	<u>1,311.89</u>
				1,715.79
08/10/2023	52414	AMELIA HARRIS	ELMS PARK #4 DEPOSIT REFUND	200.00
08/10/2023	52415	ANDREA ADAMS	ELMS PARK #1 DEPOSIT REFUND	200.00
08/10/2023	52416	BIO-SERV CORPORATION	PEST CONTROL - PUBLIC SAFETY BLDG	66.00
			JULY 20123 PEST CONTROL CONTRACT	<u>142.00</u>
				208.00
08/10/2023	52417	CANDICE GARNER	ELMS PARK #2 DEPOSIT REFUND	200.00
08/10/2023	52418	CONSUMERS ENERGY	4125 ELMS RD 4353 JULY 2023	48.67
08/10/2023	52419	CONSUMERS ENERGY	4125 ELMS RD PAVILION 4437 JULY 2023	36.35
08/10/2023	52420	CONSUMERS ENERGY	TRAFFIC LIGHTS 1781 JULY 2023	464.50
08/10/2023	52421	CONSUMERS ENERGY	8301 CAPPY LN JULY 2023	202.56
08/10/2023	52422	CONSUMERS ENERGY	8083 CIVIC DR JULY 2023	828.29
08/10/2023	52423	CONSUMERS ENERGY	8100 CIVIC DR	847.38
08/10/2023	52424	CONSUMERS ENERGY	8095 CIVIC DR JULY 2023	596.57
08/10/2023	52425	CONSUMERS ENERGY	5015 HOLLAND DR LOT LIGHTS JULY 2023	36.00
08/10/2023	52426	CONSUMERS ENERGY	6425 MILLER PARK & RIDE JULY 2023	61.74
08/10/2023	52427	CONSUMERS ENERGY	8011 MILLER RD JULY 2023	27.91
08/10/2023	52428	CONSUMERS ENERGY	5121 MORRISH RD JULY 2023	264.00
08/10/2023	52429	CONSUMERS ENERGY	8499 MILLER RD JULY 2023	32.54
08/10/2023	52430	CONSUMERS ENERGY	9099 MILLER RD JULY 2023	32.83
08/10/2023	52431	CONSUMERS ENERGY	4510 MORRISH RD JULY 2023	37.74
08/10/2023	52432	CONSUMERS ENERGY	8059 FORTINO DR JULY 2023	60.86
08/10/2023	52433	CONSUMERS ENERGY	5257 WINSHALL DR JULY 2023	28.81
08/10/2023	52434	CONSUMERS ENERGY	5361 WINSHALL DR 8369 JULY 2023	30.14
08/10/2023	52435	CONSUMERS ENERGY	5361 WINSHALL DR #2 RESTRMS 9987 JULY 20	34.61
08/10/2023	52436	CONSUMERS ENERGY	4524 MORRISH RD JULY 2023	55.61
08/10/2023	52437	CONSUMERS ENERGY	48473 LED LIGHT RD WORCHESTER/CHESTERFIE	4,217.54
08/10/2023	52438	CONSUMERS ENERGY	STREET LIGHTS 1294 JULY 2023	3,674.03
08/10/2023	52439	CONSUMERS ENERGY	ELMS PARKING LOT AREA LIGHTS 2300 JULY 2	36.51
08/10/2023	52440	CONSUMERS ENERGY	5361 WINSHALL DR 8369 1 DAY JULY 30TH	0.97
08/10/2023	52441	CONSUMERS ENERGY	5361 WINSHALL DR #2 RESTRMS 9987 1 DAY J	1.12
08/10/2023	52442	CONSUMERS ENERGY	8011 MILLER RD 1 DAY JUNE 30	0.90
08/10/2023	52443	CONSUMERS ENERGY	5257 WINSHALL DR 1 DAY JUNE 30	0.93
08/10/2023	52444	CONSUMERS ENERGY	8059 FORTINO DR 1 DAY JUNE 30	1.96
08/10/2023	52445	CONSUMERS ENERGY	8095 CIVIC DR 1 DAY JUNE 30	19.24
08/10/2023	52446	CONSUMERS ENERGY	8083 CIVIC DR 1 DAY JUNE 30	26.72
08/10/2023	52447	CONSUMERS ENERGY	4510 MORRISH RD 1 DAY JUNE 30	1.22

Check Date	Check	Vendor Name	Description	Amount
08/10/2023	52448	CONSUMERS ENERGY	8499 MILLER RD 1 DAY JUNE 30	1.05
08/10/2023	52449	CONSUMERS ENERGY	9099 MILLER RD 1 DAY JUNE 30	1.06
08/10/2023	52450	CONSUMERS ENERGY	5121 MORRISH RD 1 DAY JUNE 30	8.52
08/10/2023	52451	CONSUMERS ENERGY	5015 HOLLAND DR LOT LIGHTS 1 DAY JUNE 30	1.16
08/10/2023	52452	CYNTHIA MARTIN	ELMS PARK #2 DEPOSIT REFUND	200.00
08/10/2023	52453	DEANNA KORTH	BANK MILEAGE DEANNA KORTH JULY BANKING	76.64
08/10/2023	52454	DELTA PAVING INC	ASPHALT APPLICATION TO ELMS PARK BASKETB	54,600.00
08/10/2023	52455	DEQUAN WASHINGTON	UB REFUND FOR ACCOUNT: 0001265900	68.01
08/10/2023	52456	DESTINI BIGELOW	ABRAMS PARK #2 DEPOSIT REFUND	200.00
08/10/2023	52457	DORIS ELLISON	ELMS PARK #3 DEPOSIT REFUND	200.00
08/10/2023	52458	DORNBOS SIGN & SAFETY INC	FREIGHT MISSED ON INVOICE 70671 10 - U-CHANNEL POSTS 11' 3#	19.14 <u>596.50</u>
				615.64
08/10/2023	52459	ENERGY REDUCTION COALITION	EXCESS BENEFIT PAYMENT AUGUST 2023	1,126.55
08/10/2023	52460	FAMILY FARM AND HOME INC	JULY 2023 INVOICES	405.54
08/10/2023	52461	FERGUSON ENTERPRISES INC	LR ORTHOPHOSPHATE CHEMKEY RGTS 25 CT (2)	142.00
08/10/2023	52462	FERTILIZER DEALER SUPPLY	PUMP DEMAND 5 GPM 12V 60 PSI	131.50
08/10/2023	52463	FIDELITY SECURITY LIFE INSUR/EYE	RETIREE VISION AUGUST 2023 (6)	39.36
08/10/2023	52464	FLINT WELDING SUPPLY	CYLINDER COMPRESSED OXYGEN	6.25
08/10/2023	52465	FORREST M SPITZER	5301 MILLER TREE AND STUMP REMOVAL	2,680.00
08/10/2023	52466	FRANKO PROPERTIES LLC	OVERPAYMENT ELECTRICAL PERMIT	160.00
08/10/2023	52467	GEN CTY ROAD COMMISSION	EPOXY OVERLAY ELMS RD. BRIDGE 50% PAYMEN	12,500.00
08/10/2023	52468	GENESEE CTY DRAIN COMMISSION	WATER SERVICE RELOCATIONS TO 24" TRANSMI	14,740.00
08/10/2023	52469	GENESEE HEALTH PLAN	ELMS PARK #2 DEPOSIT REFUND	200.00
08/10/2023	52470	GFL ENVIRONMENTAL USA INC	FY24 GARBAGE/RECYCLING/YARD WASTE JULY 2	25,593.36
08/10/2023	52471	GILL ROYS HARDWARE	JULY 2023 INVOICEES	209.38
08/10/2023	52472	GLAESER DAWES	SCHOOL STREET REPAIRS	37,413.00
08/10/2023	52473	GRETCHEN LAWTON	ELMS PARK #1 DEPOSIT REFUND	200.00
08/10/2023	52474	INTEGRITY BUSINESS SOLUTIONS	TRASH CAN LINERS FOR PARKS	442.74
08/10/2023	52475	JAMS MEDIA LLC	PLANNING COMMISSION PUBLIC HEARING POSTI	50.30
08/10/2023	52476	JAY'S SEPTIC TANK SERVICE	PORT-A-JON RENTAL 7-20-23 THRU 8-16-23 PORT-A-JON RENTAL ELMS PARK AUGUST 2023 PORT-A-JON RENTAL ABRAMS PARK AUGUST 202	130.00 260.00 <u>260.00</u>
				650.00
08/10/2023	52477	JOSE A MIRELES	MOWINGS 7-31-23 LAWN SERVICES CONTRACT 8-8-2023	1,350.00 <u>1,220.00</u>
				2,570.00
08/10/2023	52478	JOSHUA LAGUIRE	UB refund for account: 0000205800	136.44
08/10/2023	52479	LEGACY ASSESSING SERVICES INC	ASSESSING SERVICES OCT. 2022-SEPT. 30 20	2,620.38
08/10/2023	52480	LEON & VIKKI FONT	ELMS PARK #2 DEPOSIT REFUND	200.00
08/10/2023	52481	MACQUEEN EQUIPMENT LLC	BALANCE OWED FROM PREVIOUS INVOICE PAID	40.75

Check Date	Check	Vendor Name	Description	Amount
08/10/2023	52482	MOLLY MAID OF METAMORA LLC	CLEANING CITY HALL	186.00
08/10/2023	52483	PARAGON LABORATORIES INC	WATER SAMPLES WO SWARTZ CREEK L&C	672.00
08/10/2023	52484	REGINA J ADAMS	ELMS PARK #1 DEPOSIT REFUND	200.00
08/10/2023	52485	RODNEY COLE	THERMOSTAT REPLACEMENT ON TRUCK 6-16 SIL	132.06
			IGNITION LOCK CYLINDER AND KEY TRUCK 3-0	293.19
			IGNITION LOCK CYLINDER AND KEY TRUCK 2-0	293.19
				<u>718.44</u>
08/10/2023	52486	SAMANTHA FOUNTAIN	META AD FOR MOVIE NIGHT JUNE 30 - JULY 1	20.55
08/10/2023	52487	STAPLES	FACIAL TISSUE AND ADDING MACHINE TAPE	39.39
			HAND SOAP AND TRASH BAGS	39.08
				<u>78.47</u>
08/10/2023	52488	STEVE ELSTON	ABRAMS PARK #1 DEPOSIT REFUND	200.00
08/10/2023	52489	STEVEN SCHNIERS	BALLOON MAN FOR MOVIE NIGHT 7-28-23	200.00
08/10/2023	52490	SUMMIT FIRE PROTECTION	FIRE EXTINGUISHERS RE-CHARGE - SENIOR CE	140.00
08/10/2023	52491	SUPER FLITE OIL CO INC	FUEL - DPW JULY 2023	1,144.65
08/10/2023	52492	SUSAN DRUMMOND	ELMS PARK #2 DEPOSIT REFUND	200.00
08/10/2023	52493	VC3 INC	MICROSOFT 365. EXCHANGE ONLINE, MICROSPF	186.80
08/17/2023	52494	AMANDA SMITH	ELMS PARK #4 8-13-23 DEPOSIT REFUND	200.00
08/17/2023	52495	CONSUMERS ENERGY	SIRENS TRAFFIC LIGHTS 1997 JULY 2023	30.51
08/17/2023	52496	CONSUMERS ENERGY	LAND RENTS/LEASE - ELECTRIC	25.00
08/17/2023	52497	DAWN FRISBIE	ELMS PARK #1 8-13-23 DEPOSIT REFUND	200.00
08/17/2023	52498	DELTA DENTAL PLAN	RETIREE BENIFITS SEPTEMBER 2023	414.48
08/17/2023	52499	GAIL JOHNSEN	ABRAMS PARK #1 8-12-23	200.00
08/17/2023	52500	GARROW TITLE AGENCY	UB REFUND FOR ACCOUNT: 0007869900 MICHAEL	237.72
08/17/2023	52501	JAMES B. FRANKLIN III	ELMS PARK #1 8-12-23 DEPOSIT REFUND	200.00
08/17/2023	52502	JOSE A MIRELES	LAWN SERVICES	1,220.00
08/17/2023	52503	LIBERTY TITLE AGENCY	UB REFUND FOR ACCOUNT: 0008354200 ROBEER	162.27
08/17/2023	52504	SUBURBAN AUTO SUPPLY	TIRE REPAIR KIT	8.99
08/17/2023	52505	TAMMY PARENTEAU	ABRAMS PARK #1 8-13-23 DEPOSIT REFUND	200.00
08/17/2023	52506	TRANSACTION TITLE AGENCY	UB REFUND FOR ACCOUNT: 0006995800 SARAH	100.18
08/17/2023	52507	TRINITY UNITED PRESBYTERIAN CH	ELMS PARK #2 8-13-23 DEPOSIT REFUND	200.00
08/17/2023	52508	VALLEY TENT RENTAL SERVICES INC	BUNGEE RUN MOVIE NIGHT 2023	350.00
08/17/2023	52509	VERIZON WIRELESS	JULY 2023 PHONE BILL	615.22
08/21/2023	52510	SIGNS BY CRANNIE INC.	HISTORICAL SIGNS RESO. #230227-09	7,691.72
08/24/2023	52511	APPLIED ECOSYSTEMS - GREAT LAKES	PHASE I ENVIRONMENTAL SITE ASSESSMENT 23	925.00
08/24/2023	52512	BIDCORP.COM INC	AUCTION SERVICE FOR 2 DPW TRUCKS	239.02
08/24/2023	52513	D&K TRUCK COMPANY INC	FREIGHTLINER 108SD CHASSIS	97,493.00
08/24/2023	52514	DORNBOS SIGN & SAFETY INC	ORNAMENTAL STREET SIGNS -7	803.10
08/24/2023	52515	DOVER & COMPANY	INSPECT AND QUOTE FOR GARAGE DOORS AT TH	225.00
08/24/2023	52516	GEN CTY ROAD COMMISSION	S- MTCE & OPERATIONS 504 (47) CONSUMERS	14.59
08/24/2023	52517	GENESEE CTY DRAIN COMMISSION	JULY 2023 TREATED BULK WATER	116,877.20
08/24/2023	52518	JOSE A MIRELES	LAWN SERVICES	1,220.00
08/24/2023	52519	LASER STRIPING LLC	REHAB ELMS TENNIS CT/CONVERSION ABRAMS T	55,500.00
08/24/2023	52520	MACQUEEN EQUIPMENT LLC	STREET SWEEPER REPAIRS & MAINT.	66.20

Check Date	Check	Vendor Name	Description	Amount
08/24/2023	52521	METRO POLICE AUTH OF GENESEE	(JULY ORD. FEES	1,630.20
08/24/2023	52522	MICHIGAN FENCE CO INC	BAG OF TIES FOR ABRAMS PARK BACKSTOP	28.25
08/24/2023	52523	MICHIGAN PIPE AND VALVE	CAUTION BLUE MARKING PAINT (9 CANS)	108.00
08/24/2023	52524	MOLLY MAID OF METAMORA LLC	CLEANING CITY HALL	186.00
08/24/2023	52525	NEELEY, DEONTE'	UB refund for account: 0000111400	9.26
08/24/2023	52526	OHM ADVISORS	SAFE ROUTES TO SCHOOL CONSTRUCTION ENGIN	22,057.27
08/24/2023	52527	OHM ADVISORS	WINCHESTER VILLAGE AND WINCHESTER WOODS	7,261.00
08/24/2023	52528	OHM ADVISORS	MORRISH RD. CE PROFESSIONAL SERVICES	286.14
08/24/2023	52529	OHM ADVISORS	MILLER ROAD CONST. ASSISTANCE	3,115.00
08/24/2023	52530	PARAGON LABORATORIES INC	WATER SAMPLES WO SWARTZ CREEK 387889	702.00
			WATER SAMPLES WO SWARTZ CREEK QUARTERLY	<u>328.00</u>
				1,030.00
08/24/2023	52531	SIMEN FIGURA & PARKER PLC	MONTHLY INVOICE JULY 2023	4,049.84
08/24/2023	52532	STAPLES	HAND SOAP FOR DPW AND PARKS	56.70
08/24/2023	52533	STATE OF MICHIGAN-DEQ WTR	DRINKING WATER LAB TESTING AUGUST 2023	48.00
			DRINKING WATER LAB TESTING JULY 2023	48.00
			NPDES STORM WATER DISCGARGE LAB TESTING	<u>400.00</u>
				496.00
08/24/2023	52534	SWARTZ CREEK AREA FIRE DEPT.	FIRE SERVICE 7/23	4,566.67
08/24/2023	52535	TITLE RESOURCE AGENCY	UB refund for account: 0000129900	75.36
08/28/2023	52536	DORNBOS SIGN & SAFETY INC	FREIGHT FROM ORIGINAL INVOICE 70940	125.00
08/31/2023	52537	POSTMASTER	POSTAGE FOR AV APP POSTCARDS	876.37
08/31/2023	52538	PRINTING SYSTEMS	ELECTION AV OUTER ENVELOPES	361.48
			ELECTION AV RETURN ENVELOPES	<u>335.77</u>
				697.25
GEN TOTALS:				
Total of 126 Checks:				508,482.09
Less 0 Void Checks:				<u>0.00</u>
Total of 126 Disbursements:				<u>508,482.09</u>

REVENUE AND EXPENDITURE REPORT FOR CITY OF SWARTZ CREEK
PERIOD ENDING 08/31/2023

GL NUMBER	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	YTD BALANCE 08/31/2023	AVAILABLE BALANCE	% BDGT USED
Fund 101 - General Fund					
000.000 - General	2,652,434.00	2,652,434.00	926,918.28	1,725,515.72	34.95
301.000 - Police Dept	4,700.00	4,700.00	0.00	4,700.00	0.00
345.000 - PUBLIC SAFETY BUILDING	24,200.00	24,200.00	1,394.62	22,805.38	5.76
371.000 - Building/Zoning/Planning	75,865.00	75,865.00	10,643.00	65,222.00	14.03
444.000 - Sidewalks	3,000.00	3,000.00	0.00	3,000.00	0.00
448.000 - Lighting	8,721.52	8,721.52	1,286.92	7,434.60	14.76
523.000 - Grass, Brush & Weeds	3,600.00	3,600.00	4,800.00	(1,200.00)	133.33
694.000 - Community Development Block Grant	39,822.25	39,822.25	0.00	39,822.25	0.00
728.005 - Holland Square Streetscape	40,000.00	40,000.00	0.00	40,000.00	0.00
780.500 - Mundy Twp Park Services	10,166.00	10,166.00	1,226.78	8,939.22	12.07
782.000 - Facilities - Abrams Park	230.00	6,230.00	6,280.00	(50.00)	100.80
783.000 - Facilities - Elms Rd Park	10,000.00	10,000.00	3,415.00	6,585.00	34.15
786.000 - Non-Motorized Trailway	65,000.00	95,000.00	0.00	95,000.00	0.00
790.000 - Facilities-Senior Center/Libr	5,300.00	5,300.00	22.80	5,277.20	0.43
794.000 - Community Promotions Program	0.00	0.00	4,250.00	(4,250.00)	100.00
TOTAL REVENUES	2,943,038.77	2,979,038.77	960,237.40	2,018,801.37	32.23
000.000 - General	13,524.00	13,524.00	2,253.10	11,270.90	16.66
101.000 - Council	25,253.09	25,253.09	7,153.08	18,100.01	28.33
172.000 - Executive	296,605.20	326,236.35	28,823.75	297,412.60	8.84
215.000 - Administration and Clerk	40,701.14	40,701.14	7,922.01	32,779.13	19.46
228.000 - Information Technology	20,518.40	20,518.40	11,535.45	8,982.95	56.22
247.000 - Board of Review	3,916.00	3,916.00	349.05	3,566.95	8.91
253.000 - Treasurer	111,205.57	111,205.57	12,651.66	98,553.91	11.38
257.000 - Assessor	55,199.09	55,199.09	6,405.00	48,794.09	11.60

GL NUMBER	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	YTD BALANCE 08/31/2023	AVAILABLE BALANCE	% BDGT USED
262.000 - Elections	79,024.09	79,024.09	7,299.77	71,724.32	9.24
265.000 - Facilities - City Hall	18,106.00	18,106.00	3,087.33	15,018.67	17.05
266.000 - Legal Council	18,900.00	18,900.00	2,342.34	16,557.66	12.39
301.000 - Police Dept	7,925.00	7,925.00	3,968.20	3,956.80	50.07
301.266 - Legal Council PSFY	24,000.00	24,000.00	1,707.50	22,292.50	7.11
301.851 - Retiree Employer Health Care PSFY	34,250.00	34,250.00	4,075.66	30,174.34	11.90
334.000 - Metro Police Authority	1,210,137.00	1,210,137.00	298,063.25	912,073.75	24.63
336.000 - Fire Department	182,362.29	182,362.29	68,504.16	113,858.13	37.56
345.000 - PUBLIC SAFETY BUILDING	38,427.00	38,427.00	5,272.28	33,154.72	13.72
371.000 - Building/Zoning/Planning	126,652.09	126,652.09	7,271.00	119,381.09	5.74
444.000 - Sidewalks	4,925.00	4,925.00	0.00	4,925.00	0.00
448.000 - Lighting	103,000.00	103,000.00	8,088.81	94,911.19	7.85
523.000 - Grass, Brush & Weeds	1,500.00	1,500.00	210.00	1,290.00	14.00
567.000 - Facilities - Cemetery	2,772.25	2,772.25	355.23	2,417.02	12.81
694.000 - Community Development Block Grant	39,822.25	39,822.25	0.00	39,822.25	0.00
728.000 - Economic Development	12,865.00	12,865.00	0.00	12,865.00	0.00
780.000 - Parks & Recreation	13,786.00	13,786.00	1,597.28	12,188.72	11.59
780.500 - Mundy Twp Park Services	9,552.00	9,552.00	1,662.00	7,890.00	17.40
782.000 - Facilities - Abrams Park	75,872.87	116,759.87	42,825.32	73,934.55	36.68
783.000 - Facilities - Elms Rd Park	99,605.51	224,605.51	92,027.86	132,577.65	40.97
788.000 - Otterburn Disc Golf Park	62,505.00	62,505.00	0.00	62,505.00	0.00
790.000 - Facilities-Senior Center/Libr	28,881.00	28,881.00	6,554.88	22,326.12	22.70
794.000 - Community Promotions Program	63,573.00	73,573.00	14,036.83	59,536.17	19.08
797.000 - Facilities - City Parking Lots	8,700.00	8,700.00	160.54	8,539.46	1.85
851.000 - Retired Employee Health Care	32,460.00	32,460.00	2,664.42	29,795.58	8.21
965.000 - Transfers Out	281,000.00	281,000.00	0.00	281,000.00	0.00

GL NUMBER	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	YTD BALANCE 08/31/2023	AVAILABLE BALANCE	% BDGT USED
TOTAL EXPENDITURES	3,147,525.84	3,353,043.99	648,867.76	2,704,176.23	19.35
Fund 101 - General Fund:					
TOTAL REVENUES	2,943,038.77	2,979,038.77	960,237.40	2,018,801.37	32.23
TOTAL EXPENDITURES	3,147,525.84	3,353,043.99	648,867.76	2,704,176.23	19.35
NET OF REVENUES & EXPENDITURES	(204,487.07)	(374,005.22)	311,369.64	(685,374.86)	
Fund 202 - Major Street Fund					
000.000 - General	600,075.00	600,075.00	485.99	599,589.01	0.08
441.000 - Miller Rd Park & Ride	5,000.00	5,000.00	0.00	5,000.00	0.00
454.000 - Major Streets Projects	1,124,549.10	1,124,549.10	0.00	1,124,549.10	0.00
463.000 - Routine Maint - Streets	0.00	10,000.00	11,340.00	(1,340.00)	113.40
478.000 - Snow & Ice Removal	3,800.00	3,800.00	0.00	3,800.00	0.00
TOTAL REVENUES	1,733,424.10	1,743,424.10	11,825.99	1,731,598.11	0.68
228.000 - Information Technology	900.00	900.00	604.64	295.36	67.18
429.000 - Occupational Safety	0.00	0.00	19.96	(19.96)	100.00
441.000 - Miller Rd Park & Ride	5,784.00	5,784.00	650.80	5,133.20	11.25
449.500 - Right of Way - General	15,000.00	15,000.00	2,680.00	12,320.00	17.87
449.501 - Right of Way - Storms	15,000.00	15,000.00	7.34	14,992.66	0.05
452.100 - Safe Routes to School Grant	220,782.68	220,782.68	23,171.84	197,610.84	10.50
454.000 - Major Streets Projects	1,309,836.20	1,310,143.49	3,433.22	1,306,710.27	0.26
463.000 - Routine Maint - Streets	77,054.00	114,467.00	47,427.30	67,039.70	41.43
473.000 - Routine Maint - Bridges	16,250.00	32,398.35	12,500.00	19,898.35	38.58
474.000 - Traffic Services	29,390.00	29,390.00	7,682.32	21,707.68	26.14
478.000 - Snow & Ice Removal	61,079.00	61,079.00	977.81	60,101.19	1.60
482.000 - Administrative	16,084.00	16,084.00	1,838.52	14,245.48	11.43
538.500 - Intercommunity storm drains	14,540.00	14,540.00	750.00	13,790.00	5.16
TOTAL EXPENDITURES	1,781,699.88	1,835,568.52	101,743.75	1,733,824.77	5.54
Fund 202 - Major Street Fund:					
TOTAL REVENUES	1,733,424.10	1,743,424.10	11,825.99	1,731,598.11	0.68
TOTAL EXPENDITURES	1,781,699.88	1,835,568.52	101,743.75	1,733,824.77	5.54

GL NUMBER	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	YTD BALANCE 08/31/2023	AVAILABLE BALANCE	% BDGT USED
NET OF REVENUES & EXPENDITURES	(48,275.78)	(92,144.42)	(89,917.76)	(2,226.66)	
Fund 203 - Local Street Fund					
000.000 - General	190,400.00	190,400.00	444.52	189,955.48	0.23
449.000 - Right of Way Telecomm	15,000.00	15,000.00	0.00	15,000.00	0.00
478.000 - Snow & Ice Removal	2,200.00	2,200.00	0.00	2,200.00	0.00
931.000 - Transfers IN	3,593,000.00	3,593,000.00	0.00	3,593,000.00	0.00
TOTAL REVENUES	3,800,600.00	3,800,600.00	444.52	3,800,155.48	0.01
228.000 - Information Technology	0.00	0.00	604.64	(604.64)	100.00
449.500 - Right of Way - General	14,000.00	14,000.00	113.98	13,886.02	0.81
449.501 - Right of Way - Storms	1,000.00	1,000.00	0.00	1,000.00	0.00
455.000 - Local Street Projects	3,593,000.00	3,593,000.00	8,377.68	3,584,622.32	0.23
463.000 - Routine Maint - Streets	66,016.67	231,966.67	16,679.25	215,287.42	7.19
474.000 - Traffic Services	10,621.00	10,621.00	2,369.01	8,251.99	22.30
478.000 - Snow & Ice Removal	42,495.00	42,495.00	1,015.62	41,479.38	2.39
482.000 - Administrative	12,062.00	12,062.00	1,378.90	10,683.10	11.43
538.500 - Intercommunity storm drains	13,200.00	13,200.00	750.00	12,450.00	5.68
TOTAL EXPENDITURES	3,752,394.67	3,918,344.67	31,289.08	3,887,055.59	0.80
Fund 203 - Local Street Fund:					
TOTAL REVENUES	3,800,600.00	3,800,600.00	444.52	3,800,155.48	0.01
TOTAL EXPENDITURES	3,752,394.67	3,918,344.67	31,289.08	3,887,055.59	0.80
NET OF REVENUES & EXPENDITURES	48,205.33	(117,744.67)	(30,844.56)	(86,900.11)	
Fund 204 - MUNICIPAL STREET FUND					
000.000 - General	7,150,145.00	7,150,145.00	755,834.65	6,394,310.35	10.57
TOTAL REVENUES	7,150,145.00	7,150,145.00	755,834.65	6,394,310.35	10.57
905.000 - Debt Service	174,953.63	174,953.63	320.83	174,632.80	0.18
965.000 - Transfers Out	3,593,000.00	3,593,000.00	0.00	3,593,000.00	0.00
TOTAL EXPENDITURES	3,767,953.63	3,767,953.63	320.83	3,767,632.80	0.01
Fund 204 - MUNICIPAL STREET FUND:					
TOTAL REVENUES	7,150,145.00	7,150,145.00	755,834.65	6,394,310.35	10.57
TOTAL EXPENDITURES	3,767,953.63	3,767,953.63	320.83	3,767,632.80	0.01

GL NUMBER	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	YTD BALANCE 08/31/2023	AVAILABLE BALANCE	% BDGT USED
NET OF REVENUES & EXPENDITURES	3,382,191.37	3,382,191.37	755,513.82	2,626,677.55	
Fund 226 - Garbage Fund					
000.000 - General	471,920.00	471,920.00	466,601.75	5,318.25	98.87
TOTAL REVENUES	471,920.00	471,920.00	466,601.75	5,318.25	98.87
101.000 - Council	3,951.00	3,951.00	1,448.90	2,502.10	36.67
172.000 - Executive	8,915.50	8,915.50	2,056.91	6,858.59	23.07
215.000 - Administration and Clerk	2,922.20	2,922.20	821.14	2,101.06	28.10
228.000 - Information Technology	2,749.60	2,749.60	1,320.06	1,429.54	48.01
253.000 - Treasurer	14,428.00	14,428.00	1,335.63	13,092.37	9.26
265.000 - Facilities - City Hall	4,711.00	4,711.00	799.18	3,911.82	16.96
528.000 - Sanitation Collection	326,375.00	326,375.00	29,440.17	296,934.83	9.02
530.000 - Wood Chipping	56,106.00	56,106.00	11,896.47	44,209.53	21.20
782.000 - Facilities - Abrams Park	16,987.00	16,987.00	2,279.92	14,707.08	13.42
783.000 - Facilities - Elms Rd Park	19,548.00	19,548.00	2,642.97	16,905.03	13.52
TOTAL EXPENDITURES	456,693.30	456,693.30	54,041.35	402,651.95	11.83
Fund 226 - Garbage Fund:					
TOTAL REVENUES	471,920.00	471,920.00	466,601.75	5,318.25	98.87
TOTAL EXPENDITURES	456,693.30	456,693.30	54,041.35	402,651.95	11.83
NET OF REVENUES & EXPENDITURES	15,226.70	15,226.70	412,560.40	(397,333.70)	
Fund 248 - Downtown Development Fund					
000.000 - General	167,754.50	167,754.50	114,566.01	53,188.49	68.29
TOTAL REVENUES	167,754.50	167,754.50	114,566.01	53,188.49	68.29
173.000 - DDA Administration	25,303.00	25,303.00	425.00	24,878.00	1.68
728.000 - Economic Development	33,375.00	38,375.00	3,845.86	34,529.14	10.02
728.002 - Streetscape	40,500.00	40,500.00	0.00	40,500.00	0.00
728.003 - Facade Program	12,500.00	12,500.00	0.00	12,500.00	0.00
728.004 - Family Movie Night	8,793.75	8,793.75	2,624.55	6,169.20	29.85
TOTAL EXPENDITURES	120,471.75	125,471.75	6,895.41	118,576.34	5.50

GL NUMBER	2023-24	2023-24	YTD BALANCE 08/31/2023	AVAILABLE BALANCE	% BDGT USED
	ORIGINAL BUDGET	AMENDED BUDGET			
TOTAL REVENUES	167,754.50	167,754.50	114,566.01	53,188.49	68.29
TOTAL EXPENDITURES	120,471.75	125,471.75	6,895.41	118,576.34	5.50
NET OF REVENUES & EXPENDITURES	47,282.75	42,282.75	107,670.60	(65,387.85)	
Fund 401 - Capital Project Fund					
931.000 - Transfers IN	60,000.00	60,000.00	0.00	60,000.00	0.00
TOTAL REVENUES	60,000.00	60,000.00	0.00	60,000.00	0.00
Fund 401 - Capital Project Fund:					
TOTAL REVENUES	60,000.00	60,000.00	0.00	60,000.00	0.00
TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES	60,000.00	60,000.00	0.00	60,000.00	
Fund 402 - Fire Equip Replacement Fund					
000.000 - General	2,000.00	2,000.00	0.07	1,999.93	0.00
931.000 - Transfers IN	226,000.00	226,000.00	0.00	226,000.00	0.00
TOTAL REVENUES	228,000.00	228,000.00	0.07	227,999.93	0.00
336.000 - Fire Department	341,617.50	341,617.50	0.00	341,617.50	0.00
TOTAL EXPENDITURES	341,617.50	341,617.50	0.00	341,617.50	0.00
Fund 402 - Fire Equip Replacement Fund:					
TOTAL REVENUES	228,000.00	228,000.00	0.07	227,999.93	0.00
TOTAL EXPENDITURES	341,617.50	341,617.50	0.00	341,617.50	0.00
NET OF REVENUES & EXPENDITURES	(113,617.50)	(113,617.50)	0.07	(113,617.57)	
Fund 590 - Sanitary Sewer Fund					
000.000 - General	10,077.50	10,077.50	(7,289.96)	17,367.46	(72.34)
536.000 - Sewer System	1,383,000.00	1,383,000.00	(35,689.11)	1,418,689.11	(2.58)
TOTAL REVENUES	1,393,077.50	1,393,077.50	(42,979.07)	1,436,056.57	(3.09)
101.000 - Council	9,912.00	9,912.00	3,622.97	6,289.03	36.55
172.000 - Executive	36,602.39	36,602.39	7,739.53	28,862.86	21.14
215.000 - Administration and Clerk	13,051.28	13,051.28	3,367.79	9,683.49	25.80
228.000 - Information Technology	9,940.00	9,940.00	4,498.43	5,441.57	45.26
253.000 - Treasurer	66,785.03	66,785.03	8,324.44	58,460.59	12.46
265.000 - Facilities - City Hall	9,613.50	9,613.50	1,936.84	7,676.66	20.15
536.000 - Sewer System	1,162,224.00	1,183,343.00	10,017.05	1,173,325.95	0.85
537.000 - Sewer Lift Stations	11,165.00	11,165.00	945.64	10,219.36	8.47

GL NUMBER	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	YTD BALANCE 08/31/2023	AVAILABLE BALANCE	% BDGT USED
542.000 - Read and Bill	66,928.00	66,928.00	9,070.24	57,857.76	13.55
850.000 - Other Functions	8,000.00	8,000.00	0.00	8,000.00	0.00
965.000 - Transfers Out	2,500.00	2,500.00	0.00	2,500.00	0.00
TOTAL EXPENDITURES	1,396,721.20	1,417,840.20	49,522.93	1,368,317.27	3.49
Fund 590 - Sanitary Sewer Fund:					
TOTAL REVENUES	1,393,077.50	1,393,077.50	(42,979.07)	1,436,056.57	3.09
TOTAL EXPENDITURES	1,396,721.20	1,417,840.20	49,522.93	1,368,317.27	3.49
NET OF REVENUES & EXPENDITURES	(3,643.70)	(24,762.70)	(92,502.00)	67,739.30	
Fund 591 - Water Supply Fund					
000.000 - General	9,000.00	9,000.00	(874.74)	9,874.74	(9.72)
540.000 - Water System	2,300,750.00	2,300,750.00	(60,340.42)	2,361,090.42	(2.62)
TOTAL REVENUES	2,309,750.00	2,309,750.00	(61,215.16)	2,370,965.16	(2.65)
101.000 - Council	9,375.00	9,375.00	3,622.82	5,752.18	38.64
172.000 - Executive	36,394.86	36,394.86	7,933.88	28,460.98	21.80
215.000 - Administration and Clerk	16,096.28	16,096.28	3,367.81	12,728.47	20.92
228.000 - Information Technology	9,940.00	9,940.00	4,498.42	5,441.58	45.26
253.000 - Treasurer	87,091.53	87,091.53	7,393.35	79,698.18	8.49
265.000 - Facilities - City Hall	9,297.50	9,297.50	1,975.89	7,321.61	21.25
540.000 - Water System	2,361,062.00	2,382,181.00	173,966.51	2,208,214.49	7.30
542.000 - Read and Bill	47,702.00	47,702.00	4,521.75	43,180.25	9.48
543.230 - Water Main Repair USDA Grant	4,369,435.00	4,369,435.00	545.64	4,368,889.36	0.01
850.000 - Other Functions	10,000.00	10,000.00	0.00	10,000.00	0.00
905.000 - Debt Service	67,370.13	67,370.13	12,000.00	55,370.13	17.81
965.000 - Transfers Out	2,500.00	2,500.00	0.00	2,500.00	0.00
TOTAL EXPENDITURES	7,026,264.30	7,047,383.30	219,826.07	6,827,557.23	3.12
Fund 591 - Water Supply Fund:					
TOTAL REVENUES	2,309,750.00	2,309,750.00	(61,215.16)	2,370,965.16	2.65
TOTAL EXPENDITURES	7,026,264.30	7,047,383.30	219,826.07	6,827,557.23	3.12
NET OF REVENUES & EXPENDITURES	(4,716,514.30)	(4,737,633.30)	(281,041.23)	(4,456,592.07)	

GL NUMBER	2023-24 ORIGINAL BUDGET	2023-24 AMENDED BUDGET	YTD BALANCE 08/31/2023	AVAILABLE BALANCE	% BDGT USED
Fund 661 - Motor Pool Fund					
000.000 - General	218,795.00	218,795.00	37,041.16	181,753.84	16.93
TOTAL REVENUES	218,795.00	218,795.00	37,041.16	181,753.84	16.93
172.000 - Executive	11,240.00	11,240.00	11,438.96	(198.96)	101.77
228.000 - Information Technology	815.00	815.00	729.64	85.36	89.53
253.000 - Treasurer	1,195.00	1,195.00	386.55	808.45	32.35
265.100 - Facilities - City Garage	390,106.50	390,106.50	102,789.65	287,316.85	26.35
850.000 - Other Functions	3,000.00	3,000.00	0.00	3,000.00	0.00
TOTAL EXPENDITURES	406,356.50	406,356.50	115,344.80	291,011.70	28.39
Fund 661 - Motor Pool Fund:					
TOTAL REVENUES	218,795.00	218,795.00	37,041.16	181,753.84	16.93
TOTAL EXPENDITURES	406,356.50	406,356.50	115,344.80	291,011.70	28.39
NET OF REVENUES & EXPENDITURES	(187,561.50)	(187,561.50)	(78,303.64)	(109,257.86)	



RESOLUTION # _____

CITY OF SWARTZ CREEK (An Equal Opportunity Employer) STREET CLOSURE/USE APPLICATION

DATE OF REQUEST: Sept. 8, 2023
SPONSOR ORGANIZATION: Swartz Creek High School
AUTHORIZED REPRESENTATIVE: Steve Clark
WORK ADDRESS: One Dragon Dr. HOME ADDRESS: _____
PHONE NO: WORK 810-591-1804 HOME: () _____ CELL: () _____
EMAIL ADDRESS: wcumming@swcrk.org
TYPE OF EVENT: (check box)

PARADE ** (Draw Route on Attached Map) CARNIVAL
FOOT/BIKE RACE CRAFT SHOW
CONCERT OTHER: _____

DATE OF EVENT: 10/6/2023
TIME OF EVENT: FROM: 4:45 AM/PM TO: 6:30 AM/PM *Parade begins at 5:00 pm*
ESTIMATED NUMBER OF PARTICIPANTS: 100-150

DESCRIPTION OF EVENT: NOTE STREETS REQUESTED TO BE CLOSED/USED:
Crayo → Maple → Morrish → Miller → Fairchild →
Ending at North Parking lot of the Middle School

The applicant agrees, as a condition of the granting of this permit, to hold the City of Swartz Creek, its officers, employees, and agents harmless from any liability from any injuries caused to persons or property in connection with this event. To that end, the applicant shall provide the City with evidence of insurance for such liability in an amount determined adequate by the City Attorney, but in no case less than \$ 1,000,000/2,000,000 aggregate and the City of Swartz Creek shall be named as an insured party on said policy. The policy shall also contain a provision providing the City with ten (10) days written notice of cancellation.

FOR: Swartz Creek High School (Organization) BY: Heather Brigas (Authorized Representative)
APPROVED BY: M.A. Baker (Chief of Police) _____ (Street Administrator)

* The throwing of any item(s) from any vehicle during the course of a parade is strictly prohibited and violations may result in criminal prosecution and/or the denial of future permit applications.
**The Chief of Police reserves the right to determine the length of time that any street(s) remain(s) closed to traffic.

CITY OF SWARTZ CREEK PARADE REGULATIONS

The approval of a street closure request and/or a "parade permit" is based on the assumption that the event coordinator(s) fully understand and accept the following regulations regarding the event:

1. The throwing of any object(s) from any vehicle during the course of the parade is prohibited by ordinance. Violations of this ordinance could result in prosecution and/or the denial of future permit requests.
2. The closing of major thoroughfares entails the rerouting of thousands of motorists and the interruption of commerce. It is imperative that parades begin and end on time so as not to unnecessarily disrupt the usual course of traffic and business.
3. Parade organizers must provide a means of direct communication between the event coordinator and the Chief of Police (or his designate) during the course of the parade in order to address any dangerous conditions that may develop during the course of the event.
4. The practice of parade participants jumping onto or off of moving vehicles in the parade is prohibited.
5. When determining the staging area for parade participants, organizers should ensure that the area is sufficient in size to accommodate all entries without creating traffic or pedestrian hazards.

It is the responsibility of the event coordinator(s) to ensure that all parade participants are made aware of the regulations that directly affect them and by signing this document hereby acknowledge that they have received a copy of these regulations and accept said responsibility.

By: Heather Daigys
(Event Coordinator or Representative)

For: Swartz Creek Community Schools
(Organization)

3

City of Swartz Creek
Parade & Street Closure Policies & Regulations

The approval of a street closure request and/or a "parade permit" is based on the assumption that the event coordinator(s) fully understand and accept the following regulations regarding the event:

1. All special events must be approved by the city council.
2. The throwing of any object(s) from any vehicle during the course of the parade is prohibited by ordinance. Violations of this ordinance could result in prosecution and/or the denial of future permit requests.
3. The closing of major thoroughfares entails the rerouting of thousands of motorists and the interruption of commerce. It is imperative that parades and related activities begin and end on time so as not to unnecessarily disrupt the usual course of traffic and business.
4. Parade organizers must provide a means of direct communication between the event coordinator and the Chief of Police (or a designee) and the Director of the Department of Public Services (or a designee) during the course of the event in order to address any dangerous conditions that may develop during the course of the event.
5. The practice of parade participants jumping onto or off of moving vehicles in the parade is prohibited.
6. When determining the staging area for parade participants, organizers should ensure that the area is sufficient in size to accommodate all entries without creating traffic or pedestrian hazards.
7. Additional waste management, security, outhouse facilities, and related services shall be the responsibility of the event coordinator.
8. All entertainment, loudspeakers, vendors, events, staging areas, and related ancillary features of the parade must be explicitly approved or otherwise conform to all federal, state, and local laws and regulations.

It is the responsibility of the event coordinator(s) to ensure that all parade participants are made aware of the regulations that directly affect them and by signing this document hereby acknowledge that they have received a copy of these regulations and accept said responsibility.

By: Heather Daigo
Event Coordinator/Representative

For: Swartz Creek Community Schools
Organization

Approved by City Council: April 25, 2022



City of Swartz Creek Downtown & Schools



PROPOSAL

MICHIGAN FENCE COMPANY, INC.

G-3059 West Hill Rd.
Flint, MI 48507

Phone: (810) 235-4581
Fax: (810) 235-9348

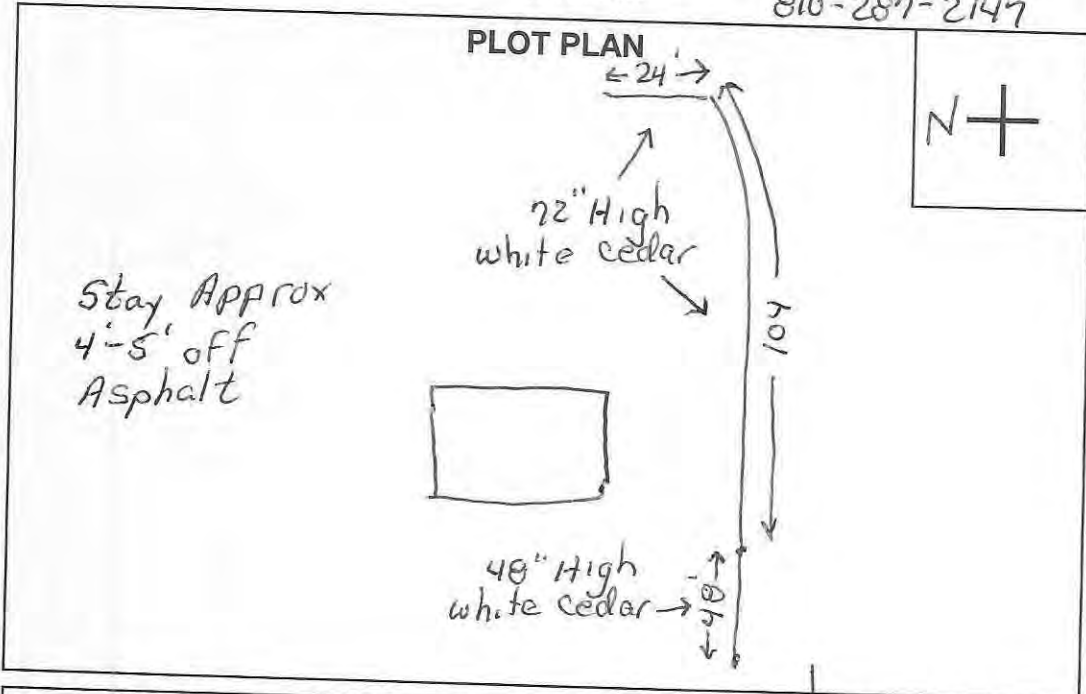
Name Nelson Capeland
Address 5137 Fairchild St
Swartz Creek 48473 City Manager
City - State - Zip Code
Phone 810-394-5729 Job Address Adam Zettel
810-287-2147

Date 9-19-23

SPECIFICATIONS:

() Steel white cedar
() Wood Dog-eared
() Alum. Solid
() Other _____
Footage 48' + 128'
Fence Height 48" + 72"
Fabric Gauge _____
Barbs _____
Top Rail _____
Line Posts 4"x4"
Corner Posts 4"x4"
End Posts 4"x4"
Gate Posts _____
Gate Posts _____
Wall Thickness _____
Gates _____
Gates _____
Concrete All Posts

PLOT PLAN



TOTAL PRICE \$8298.⁰⁰
DEPOSIT 1/2 dn
BALANCE _____
TERMS upon Completion

CONDITIONS OF AGREEMENT:

- Owner to carry fire and other necessary insurance. Our employees are fully covered by Workmen's Compensation Insurance.
- Quotations are subject to change or withdrawal at any time without notice.
- Additional charges will be made for abnormal digging conditions or for removal of existing fencing, bushes, trees or other obstructions on fence lines. Removal and disposal of excavated soil from boring holes shall be customer's responsibility.
- If erection is suspended at customer's request, any lost time and the expense of time and travel to return to complete the job is to be charged to the customer.
- Should the buyer cause unreasonable delay in the performance of this contract, the seller shall have the right to invoice the purchaser for the full sales value of the material delivered or in process, together with the selling price of the erection work performed.
- Michigan Fence Company, Inc. retains the rights to any and all material installed on or delivered to the customer's property until the balance of the agreed upon price is paid in full. In the event that the balance is not paid in full, the customer gives Michigan Fence Company, Inc. permission to remove the installed fence or the delivered material at the customer's expense.
- A Service Charge of 1 1/2% per month (18% per year) will be added to all contracts over 30 days unless otherwise stated above. We are members with the National Revenue Corporation. Accounts over 60 days may be turned over for collection.

Authorized Signature Randy Pester

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlines above.

Signature _____

Signature _____

Date September 25, 2023

GUARANTEE

All workmanship and material guaranteed for a period of 1 year from the date of installation.

City Council Packet

MICHIGAN FENCE COMPANY, INC.
CUSTOMER RESPONSIBILITIES & JOB DESCRIPTIONS

Installation Checklist

- All property lines to be staked and established by the purchaser. An estimator may assist the customer in locating property stakes, however, the customer is responsible for the final fence line stakes prior to installation. Changes from the original estimate may affect price.
- Installer shall call Miss-Dig for location of underground utilities, however, the customer is responsible for location and marking of all other buried cables and/or any underground obstructions not designed by Miss-Dig. Some of these cables and/or obstructions may be, but are not limited to cable TV lines, underground sprinkler lines, swimming pool electrical and water lines, and electrical, gas, or telephone lines from house to garages or other building.
- Customer to clear a path 2' to 3' wide along all fence lines of any obstructions such as trees, bushes, rocks, boats, trailers, etc. Remember the height of the fence to be installed. **If work area is not ready for fence installation upon arrival of work crew, there will be an additional \$250.00 charge added to the total cost.**
- It is the customer's responsibility to obtain permission for any hookups to any existing fences.
- Customer to acquire necessary building permits, unless other arrangements are made with the salesman and it is initialed below, and be aware of any city or township codes such as height requirements, setbacks, etc.
- Removal and disposal of excavated soil from boring holes will not be hauled away. Unless other arrangements are made with salesman, excess dirt will be spread along fence line.

- Chain Link Installations
 - Top rail to be straight, or
 - Top rail to follow contour of the ground (top may not be level). Fabric to be a maximum of _____ inches off the ground.

- Wood or ~~PVC~~ Installations:
 - Top of fence to be straight, or
 - Boards to follow contour of the ground (top may not be level).
 Boards to be a maximum of _____ inches off the ground.
 - Terrace or stepped – longer posts required.

Type of Top on Boards and/or posts:

- | <u>PVC Post Caps</u> | <u>Boards</u> | <u>Wood Posts</u> |
|--|--|---|
| <input type="checkbox"/> Ball Cap | <input type="checkbox"/> Plain Top | <input checked="" type="checkbox"/> Plain Top |
| <input type="checkbox"/> Gothic Cap | <input checked="" type="checkbox"/> Dog-Earred | <input type="checkbox"/> Dog-Earred |
| <input type="checkbox"/> External Flat Cap | <input type="checkbox"/> Gothic | <input type="checkbox"/> Gothic |
| <input type="checkbox"/> New England Cap | <input type="checkbox"/> French Gothic | <input type="checkbox"/> French Gothic |
| <input type="checkbox"/> Internal Flat Cap | | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | | |

Type of enclosure:

- Inside enclosure (good side to face customer),
If allowed by city or township codes.
- Outside enclosure (good side to face neighbors).

When ready sign this sheet, sign & date proposal and return to our office with a deposit check for 1/2 down.

I UNDERSTAND AND ACCEPT THE ABOVE LISTED CUSTOMER RESPONSIBILITIES AND THE CHAIN LINK AND/OR WOOD AND/OR PVC FENCE JOB INSTALLATION DESCRIPTIONS.

City of Swartz Creek

10/19/2022

22C0112

Engineer's Construction Cost Opinion

Otterburn Park



ROWE PROFESSIONAL SERVICES COMPANY

ITEM	ESTIMATED QUANTITY	UNIT	UNIT PRICE	AMOUNT
Site Preparation/Grading	1	LSUM	\$ 15,000	\$ 15,000
Landscaping	1	LSUM	\$ 25,000	\$ 25,000
Gravel Parking, 22A Limestone - 6"	2500	SYD	\$ 30	\$ 75,000
Aggregate Base, 8" (ADA Parking Area)	70	SYD	\$ 30	\$ 2,100
HMA, 13A (4")	30	TONS	\$ 120	\$ 3,600
8' Aggregate Path - 22A Limestone	3500	LFT	\$ 10	\$ 35,000
Pavement Markings, Overlay Cold Plastic, Handicap Symbol - Blue	2	EA	\$ 250	\$ 500
4" Pavement Markings - Regular Dry (Blue)	100	LFT	\$ 4	\$ 400
Sidewalk, Conc., 4"	1660	SFT	\$ 8	\$ 13,280
Stairs (Platform)	2	EA	\$ 2,000	\$ 4,000
Main Pavilion (25'x40') with Restroom Facilities - Includes sanitary sewer and water connections	1	LSUM	\$ 150,000	\$ 150,000
Disc Golf Course	1	EA	\$ 50,000	\$ 50,000
Pavilion (30'x30')	1	LSUM	\$ 45,000	\$ 45,000
Porta John, Conc. Pad	1	LSUM	\$ 200	\$ 200
Bike Pavilion Station	1	LSUM	\$ 20,000	\$ 20,000
Site Restoration	1	LSUM	\$ 10,000	\$ 10,000
SESC Measures	1	LSUM	\$ 5,000	\$ 5,000
Trash Receptacles	4	EA	\$ 250	\$ 1,000
Entrance Drive Gate	2	EA	\$ 5,000	\$ 10,000
Steel Cable Bollards	680	LFT	\$ 12	\$ 8,160
Pedestrian Bridge (includes abutment)	4	EA	\$ 26,000	\$ 104,000
Subtotal				\$ 577,240
Engineering (20%)				\$ 115,448
Construction Contingency (15%)				\$ 86,586
Mobilization (15%)				\$ 86,586
Total				\$ 865,860

Disclaimer:

In providing opinions of probable construction cost, the Client understands that the Consultant has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractors method of pricing and that the Consultants opinions of probable constructions costs are made on the basis of the Consultant's professional judgement and experience. the consultant makes no warranty, express or implied, that the bids or the negotiated costs of the work will not vary from the Consultant's opinion of probably construction cost.

City of Swartz Creek

9/21/2022

22C0112

Engineer's Construction Cost Opinion

Otterburn Park



**ROWE PROFESSIONAL
SERVICES COMPANY**

ITEM	ESTIMATED QUANTITY	UNIT	UNIT PRICE	AMOUNT
Site Preparation/Grading	1	LSUM	\$ 15,000	\$ 15,000
Park Signage	1	LSUM	\$ 5,000	\$ 5,000
ADA Parking Space Signage	2	EA	\$ 250	\$ 500
Sidewalk, Conc., 4"	400	SFT	\$ 8	\$ 3,200
Conc., 4" (Concrete Pad for Benches)	100	SFT	\$ 8	\$ 800
Main Pavilion (25'x40') with Restroom Facilities - Includes sanitary sewer and water connections	1	LSUM	\$ 150,000	\$ 150,000
Recycled Plastic Benches	2	EA	\$ 500	\$ 1,000
Bike Pavilion Station	1	LSUM	\$ 20,000	\$ 20,000
Site Restoration	1	LSUM	\$ 10,000	\$ 10,000
SESC Measures	1	LSUM	\$ 5,000	\$ 5,000
Recycled Trash Receptacles	2	EA	\$ 400	\$ 800
Recycle Bin	1	EA	\$ 500	\$ 500
Subtotal				\$ 211,800
Engineering (20%)				\$ 42,360
Construction Contingency (15%)				\$ 31,770
Mobilization (15%)				\$ 31,770
Total				\$ 317,700

Disclaimer:

In providing opinions of probable construction cost, the Client understands that the Consultant has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractors method of pricing and that the Consultants opinions of probable constructions costs are made on the basis of the Consultant's professional judgement and experience. the consultant makes no warranty, express or implied, that the bids or the negotiated costs of the work will not vary from the Consultant's opinion of probably construction cost.



FAQ on Small Wireless Facilities

AUGUST 2020

This document was produced in coordination with:



DISCLAIMER

At the time of this publication the FCC Small Cell Order is in effect. However, there is active litigation going on related to the FCC Small Cell Order which means some of this information is subject to change in the future.

Background

On January 31, 2017, Federal Communications Commission (“FCC”) Chairman Ajit Pai established a Broadband Deployment Advisory Committee (“BDAC”), which he tasked with making recommendations to the FCC on ways to accelerate the deployment of broadband by reducing or removing regulatory barriers to infrastructure investment. On September 27, 2018, the FCC released a Declaratory Ruling and Third Report and Order (FCC 18-133, identified throughout this document as “Small Cell Order” or “FCC Order”) that significantly limits local authority over small wireless infrastructure deployment and fees for use of the rights of way. Most provisions of the FCC Order took effect January 14, 2019. Under the FCC Order, there are prescribed definitions of small wireless facilities, as well as criteria for aesthetic or design standards. The definitions within the FCC Order reflect that such facilities may not result in human exposure to radiofrequency (“RF”) radiation in excess of applicable standards in the FCC’s rules. Currently, the League of Oregon Cities is disputing the Small Cell Order in the 9th Circuit Court along with other local governments and the National Association of Telecommunications Officers and Advisors (NATOA).

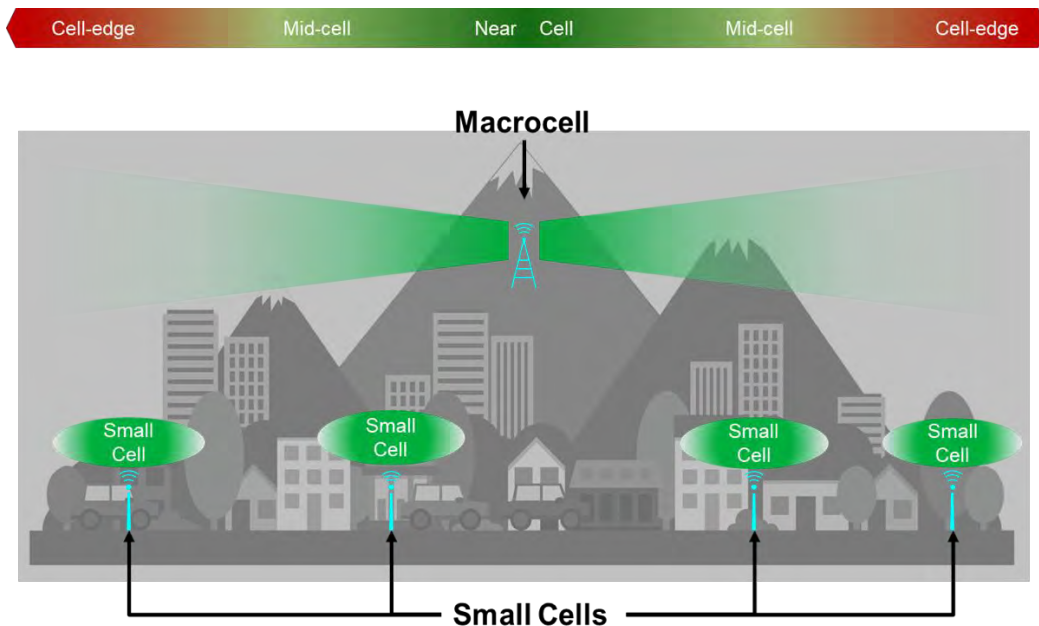
LOC FAQ on Small Wireless Facilities

As the demand for connectivity increases and the Internet of Things (“IoT”) proliferates with the connection of millions of new smart devices to the internet, cities are facing the reality that to meet the increasing demands of residents and businesses, more wireless facilities and infrastructure needs to be deployed. With that reality, city officials must also reconcile a number of policy, public safety, land-use and right-of-way considerations. As cities navigate this rapidly-changing policy environment and work to reconcile issues from wireless and infrastructure providers and community residents, a number of considerations for the different stakeholders begin to emerge.

To help in this time of change, the League of Oregon Cities, in coordination with many cities, as well as representatives from Verizon, AT&T, and T-Mobile, met and worked diligently from January 2019 to May 2020 to discuss and craft a [model code](#), [model design standards](#), and an informational document relating to small wireless facilities. Note: small wireless facilities are also referred to as small cells. This document serves as that informational document and provides an overview of small cell technology, deployment, and infrastructure. The intended audience of this document is city staff, planning commissioners, elected officials and community members.

1. What is a Small Wireless Facility?

Small wireless facilities, also known as small cells, are just what the name implies – they have smaller wireless radios and antennas than macrocell sites (such as the typical wireless cell tower). Small wireless facilities have a range that varies from a few hundred feet to upwards of 1,000 feet, depending on terrain, vegetation, and the radio frequencies used. These lower power facilities primarily add capacity in high-traffic areas, dense urban areas, and suburban communities, where people are using smartphones and other devices, and are not a substitute for macrocell sites. Small wireless facilities can include 4G and 5G antennas and equipment.



Increasing wireless traffic from data usage, particularly video, requires more wireless facilities, similar to how increased vehicle traffic necessitates additional infrastructure. Increasing demand from wireless users is overburdening existing macrocell sites resulting in congestion when too many users try to use the network's capacity at the same time. Small wireless facilities provide much-needed capacity to relieve this congestion.

2. 5G - How Did We Get Here?

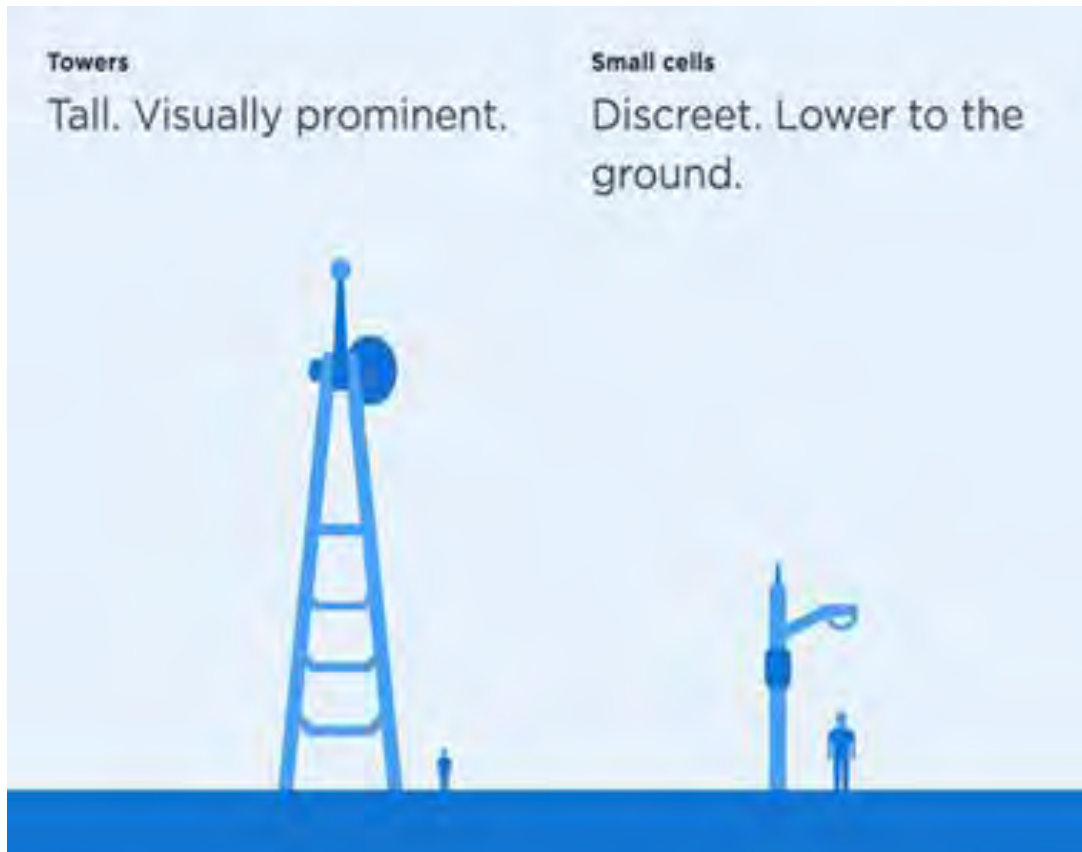
Technology is constantly changing and so are the standards that define wireless communications. The first standard or generation of wireless communication was known as 1G (first generation), which provided analog voice calling on cellular devices. With 2G came digital voice calling and the ability to send texts. 3G added data to the mix along with the first smartphones. 4G (or LTE) is the current standard that allows for faster data transfers, making video calls and other multimedia solutions possible. With each new generation of cellular technology, older standards are eventually phased out. This migration usually takes many years with multiple standards and equipment in use at the same time.

What's the difference between 5G and the other Gs?				
1G	2G	3G	4G	5G
VOICE	SMS	DATA & APPS	VIDEO & SPEED	TRANSFORMATION
We first talk without the wires – on the move, with analog technology.	SMS messaging debuts, bringing us a new way to chat and creating a new language to chat with.	We begin sharing snapshots of our lives, sending images thanks to higher data transfers.	Video calls and new businesses are possible with wireless broadband on our smart devices.	From wireless home broadband AR/VR to mobile gaming and more, 5G will change how we live, learn, work and play.

The 5th Generation technology (5G) is a change in standards for wireless communication to increase capacity, efficiency, responsiveness, and download speeds. This technology is planned to accommodate smart communities, IoT, immersive education, connected cars, remote medicine, virtual reality, remote learning, etc. Carriers deploying 5G may change the type of antennas and wireless equipment currently used to connect all the 5G devices. 5G is expected to be up to 100 times faster and five times more responsive than the previous generation, 4G.

3. What Does Small Wireless Technology Look Like?

The current FCC definition of a “small wireless facility” caps the height of the facility and its support structure at 50 feet or 10% of the height of adjacent structures, whichever is greater, and establishes volumetric limits – no more than three cubic feet in volume for each antenna and no more than 28 cubic feet in volume for all other associated equipment. These standards recognize that small wireless facilities may need to differ by provider and situation, but ensure that small wireless facilities are indeed smaller than the cell towers most people are familiar with today, which are known as macro towers.



A typical small wireless facility deployment on a wood utility pole may involve antennas within a cylindrical enclosure, cylindrical omnidirectional antennas, and/or small panel antennas at either the top or middle of the pole to work around the existing electrical wires. Fiber and power lines, enclosed in conduit, connect the antennas to an equipment box, which houses the radios and other equipment. The antennas and equipment configuration may vary from provider to provider. For example, some providers may use panel antennas, which require the ability to tilt or position the antennas to control the direction of the signal; others may use the cantenna, which transmits in a roughly 360 degree pattern without the ability to tilt/position the antennas. Some providers may utilize a single enclosure that houses both the radios and antennas.

5G deployment may require antennas and equipment in addition to those installed for 4G and will be mounted in a variety of configurations. It is important to note that some 5G small wireless antennas cannot operate if covered or painted, but generally come in colors compatible with most installations.

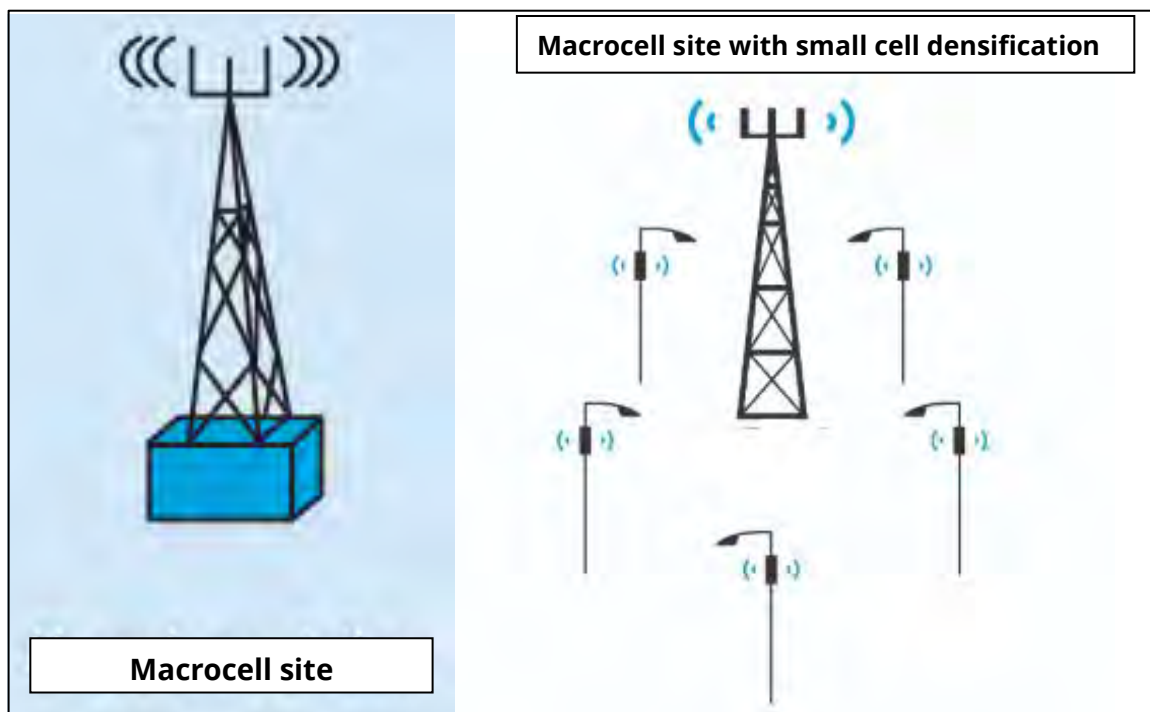
Small wireless facilities can also be placed on light standards or metal stand-alone poles, with antennas located at the top or the side of the pole. Small wireless facility equipment can either be attached to the pole within an enclosure or housed within a larger diameter pole or pole base.

4. As Current Small Wireless Technology Becomes Outdated, What will the Next Generation of Technology Look Like?

From what we currently know, it is probable that small wireless facilities are as small as the technology will be for the foreseeable future. 4G/5G small cell installations will likely continue to be deployed for many years to come, because any new generation of technology may require updates to network equipment, infrastructure and consumer devices.

5. What is “Densification”?

Densification is the process of adding small wireless facilities – much smaller-scale antennas and equipment than traditional macrocell sites. Small wireless facilities can be deployed on street lights and utility poles in the right-of-way. It is noteworthy that small wireless facilities are additive to existing wireless infrastructure.



6. How Does the Carrier Decide Where to Put the Small Wireless Sites? What Factors are Involved and How Big is the Search?

To meet customer needs and expectations, wireless providers must expand and enhance their networks where users live, work, travel and play. Wireless engineers gather information from many sources and analyze the data to determine the best location based on customer needs, terrain, and modeling results. Attaching to existing structures, such as street lights and utility poles, is generally considered first. Network teams perform extensive searches in the area needing improvement to find a location that will meet technical needs while ensuring the potential location complies with applicable laws.

7. What is the Likely per Capita Number of Small Wireless Facilities Over Time?

Wireless providers do not build small wireless facilities to meet per capita numbers, but rather to fulfill the data/voice transmission needs of consumers in the area (see also response to question #6 above).

8. Will There be Noise Emitted from These Sites?

The sound is expected to be negligible from the ground and facilities are required to comply with applicable noise regulations. Small wireless facilities are generally either passively cooled, so they make no sound, or have very small fans to cool the equipment.

9. Why is Investment in Wireless Networks Important?

There are many reasons to invest in wireless networks, including:

- 90% of U.S. households use wireless service. With this increase in demand from users at home and those who work from home comes the need for more facilities to meet the customer needs.
- Over 63% of adults in Oregon households are wireless-only for voice service,¹ exceeding the around 59% of adults in American households that are now wireless-only for voice service.²
- Residents need access to 9-1-1 and reverse 9-1-1 and wireless may be their only connection.³ According to the National Emergency Number Association, 240 million calls are made to 9-1-1 each year, and in many areas of the country, 80% or more are made from wireless devices.⁴
- Wireless technology is constantly innovating and evolving to meet customer needs and demand. Goldman Sachs estimates that in the United States, connected devices could create \$305 billion in annual health system savings from decreased costs and mortality due to the enhanced ability to monitor and communicate with patients managing chronic illnesses.⁵

9. How Can Cities Address Health Concerns in Relation to the Regulation of Small Wireless Facilities?

While cities and councils may hear public testimony on health concerns related to RF exposure, the cities cannot base decisions concerning small wireless facilities on those concerns. The federal 1996 Telecommunications Act expressly preempts state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of RF emissions to the

¹ CDC's *Wireless Substitution: Early Release of State-Level Estimates from the National Health Interview Survey, 2018* (released 12/17/2019)

² CDC's *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-June 2019* (released 05/28/2020)

³ CTIA, *June 2015*

⁴ *National Emergency Number Association (NENA), 2018*

⁵ <https://www.ctia.org/the-wireless-industry/infographics-library?topic=17>

extent that such facilities comply with the FCC's regulations concerning such emissions. 47 U.S.C. §332(c)(7)(B)(iv). Although cities may require applicants of the small wireless facilities to affirm compliance with the FCC RF exposure requirements, the FCC remains the exclusive agency for resolving non-compliance.

10. Where Can I Go to Find Out More About Health Effects from Small Wireless Facilities?

The FCC requirements for human exposure to RF electromagnetic fields continue to apply and were derived from the recommendations of two expert organizations, the National Council on Radiation Protection and Measurements (“NCRP”) and the Institute of Electrical and Electronics Engineers (“IEEE”). Both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The RF exposure limits are based on thresholds for known adverse effects, and they incorporate prudent margins of safety. In adopting the current RF exposure guidelines, the FCC consulted with the EPA, FDA, OSHA and NIOSH, and obtained their support for the guidelines that the FCC is using. More information can be found at the FCC’s website at <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>

11. Has the FCC Updated its RF Exposure Limits?

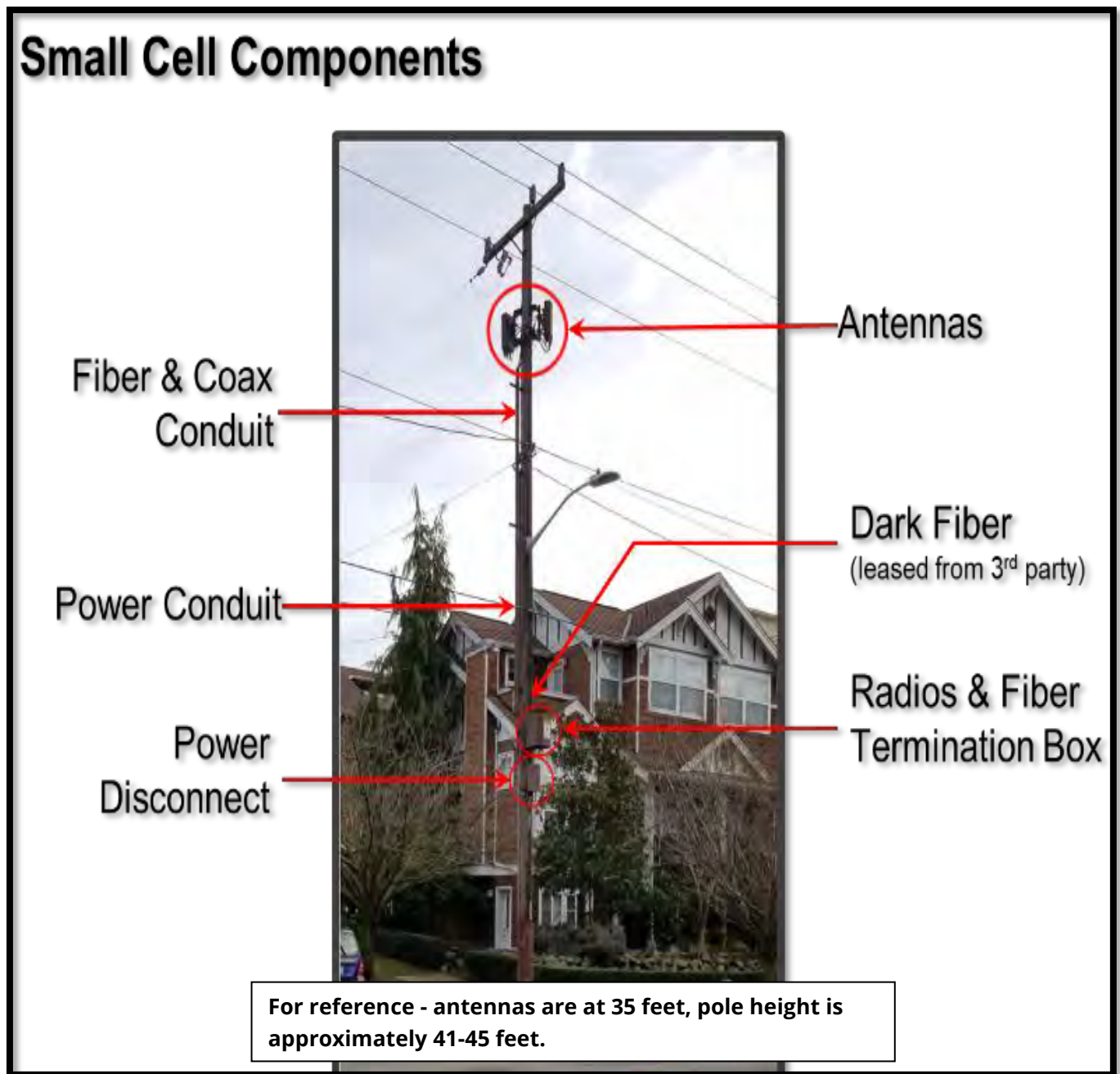
Many local governments have asked the FCC to update their guidelines on RF emissions as technology has advanced and the public continues to be increasingly worried about RF exposure. On December 4, 2019, the FCC released a Resolution of Inquiry, Second Report and Order, Notice of Proposed Rulemaking, and Memorandum of Opinion and Order related to human exposure to RF emissions ([FCC 19-226](#) referred to as the “RF Order”). The FCC maintained in the RF Order that current RF exposure safety standards are sufficient at this time and will remain unchanged. The FCC reached this conclusion because the evidence “does not demonstrate that the science underpinning the current RF exposure limits is outdated or insufficient to protect human safety.” These standards will continue to apply to all wireless devices, including 5G devices and millimeter wave spectrum that some carriers will use to deploy 5G service.

12. Will this Site Near My House Affect My Property Value?

Generally, cities and carriers do not factor in property values in the consideration of the location on these facilities. However, the [National Realtors Association](#), the [Oregon Realtors Association](#), and the [Greater Oregon Chapter of the Appraisal Institute](#) can be consulted on these matters.

Examples and Further Pictures

Disclaimer: The carriers have provided several images of actual small cell installations on various types of poles. Estimated pole heights have been provided as a frame of reference. These pictures are intended to be representative of the different types of small cell configurations the providers may deploy, but the exact equipment size, and equipment used, will vary based on the providers frequency and network needs.



Small Cell v. Macrocell Antenna



Utility Pole



For reference - antennas are at 35 feet, pole height is approximately 41-45 feet.

Light Standard



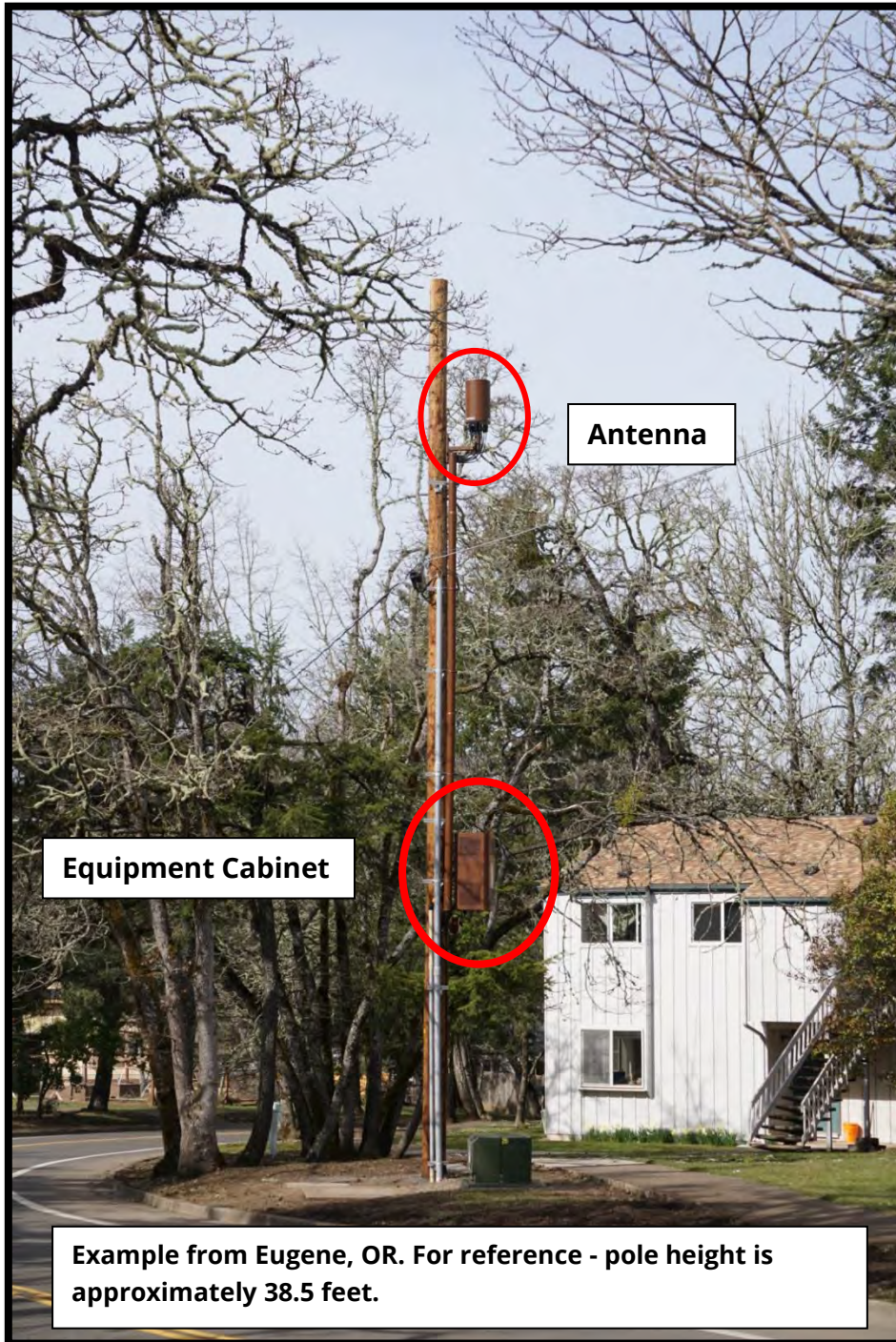
Wireless Only Pole



Strand Mounted Antennas



Omni Antennas or Antennas within Canister



4G/5G Installation on a Streetlight



Consolidated Equipment Cabinet with Radios and Antennas



Small Cell Facility Integrated into A Streetlight Pole



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SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT
Act 365 of 2018

AN ACT to provide for the regulation by state or local government authorities and municipally owned electric utilities of the activities of wireless infrastructure providers and wireless services providers and of wireless facilities, wireless support structures, and utility poles; to regulate rates and fees concerning wireless facilities, wireless support structures, communications service provider pole attachments, and utility poles charged by state or local government authorities and municipally owned electric utilities; to provide for collocation of wireless facilities and of communications service provider pole attachments; to provide for use of public rights-of-way; to regulate certain permitting processes and zoning reviews; to prohibit certain commercially discriminatory actions by state or local government authorities and municipally owned electric utilities; to prohibit state and local government authorities from entering into exclusive arrangements with any person for the right to attach to certain utility poles; to authorize indemnification and insurance requirements; to authorize certain bonding requirements; and to provide for charges for electricity to operate small cell wireless facilities.

History: 2018, Act 365, Eff. Mar. 12, 2019.

The People of the State of Michigan enact:

460.1301 Short title; purpose of act.

Sec. 1. (1) This act shall be known and may be cited as the "small wireless communications facilities deployment act".

(2) The purpose of the act is to do all of the following:

(a) Increase investment in wireless networks that will benefit the citizens of this state by providing better access to emergency services, advanced technology, and information.

(b) Increase investment in wireless networks that will enhance the competitiveness of this state in the global economy.

(c) Encourage the deployment of advanced wireless services by streamlining the process for the permitting, construction, modification, maintenance, and operation of wireless facilities in the public rights-of-way.

(d) Allow wireless services providers and wireless infrastructure providers access to the public rights-of-way and the ability to attach to poles and structures in the public rights-of-way to enhance their networks and provide next generation services.

(e) Ensure the reasonable and fair control and management of public rights-of-way by governmental authorities within this state.

(f) Address the timely design, engineering, permitting, construction, modification, maintenance, and operation of wireless facilities as matters of statewide concern and interest.

(g) Provide for the management of public rights-of-way in a safe and reliable manner that does all of the following:

(i) Supports new technology.

(ii) Avoids interference with right-of-way use by existing public utilities and cable communications providers.

(iii) Allows for a level playing field for competitive communications service providers.

(iv) Protects public health, safety, and welfare.

(h) Increase the connectivity for autonomous and connected vehicles through the deployment of small cell wireless facilities with full access and compatibility for connected and autonomous vehicles as determined and approved by the state transportation department, county road commissions, and authorities.

(i) Prioritize, as provided in this act, the use of existing utility poles and wireless support structures for collocation over the installation of new utility poles or wireless support structures.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1303 Definitions; A, B.

Sec. 3. As used in this act:

(a) "Affiliated transmission company" means that term as defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.

(b) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(c) "Applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531,

or adopted by the United States Occupational Safety and Health Administration or by a state or national code organization, including, but not limited to, the "National Electrical Safety Code" published by the Institute of Electrical and Electronics Engineers.

(d) "Applicant" means a wireless provider that submits an application described in this act.

(e) "Attaching entity" means a public or private party or entity, other than the municipally owned electric utility, that, pursuant to an agreement with the municipally owned electric utility, places a wire or cable attachment on a nonauthority pole or related infrastructure within the communication space. Attaching entity includes, but is not limited to, both of the following:

(i) A telecommunication provider as that term is defined in section 2 of the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3102.

(ii) A video service provider as that term is defined in section 1 of the uniform video services local franchise act, 2006 PA 480, MCL 484.3301.

(f) "Authority", unless the context implies otherwise, means this state, a county road commission, or a county, township, city, village, district, or subdivision thereof if authorized by law to make legislative, quasi-judicial, or administrative decisions concerning an application described in this act. Authority does not include any of the following:

(i) A municipally owned electric utility.

(ii) An investor-owned utility whose rates are regulated by the MPSC.

(iii) A state court having jurisdiction over an authority.

(g) "Authority pole" means a utility pole owned or operated by an authority and located in the ROW.

History: 2018, Act 365, Eff. Mar. 12, 2019;—Am. 2020, Act 360, Imd. Eff. Dec. 30, 2020.

460.1305 Definitions; C to I.

Sec. 5. As used in this act:

(a) "Colocate" means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. "Collocation" has a corresponding meaning. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

(b) "Communications facility" means the set of equipment and network components, including wires, cables, antennas, and associated facilities, used by a communications service provider to provide communications service.

(c) "Communication space" means that term as defined in the "National Electric Safety Code" published by the Institute of Electrical and Electronics Engineers.

(d) "Communications service" means service provided over a communications facility, including cable service as defined in 47 USC 522, information service as defined in 47 USC 153, telecommunications service as defined in 47 USC 153, or wireless service.

(e) "Communications service provider" means any entity that provides communications services.

(f) "County road commission" means that term as defined in section 19b of 1909 PA 283, MCL 224.19b.

(g) "FCC" means the Federal Communications Commission.

(h) "Fee" means a nonrecurring charge for services.

(i) "Historic district" means a historic district established under section 3 of the local historic districts act, 1970 PA 169, MCL 399.203, or a group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 CFR part 1, appendix C.

(j) "Independent transmission company" means that term as defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.

History: 2018, Act 365, Eff. Mar. 12, 2019;—Am. 2020, Act 360, Imd. Eff. Dec. 30, 2020.

460.1307 Definitions; L to S.

Sec. 7. As used in this act:

(a) "Law" means federal, state, or local law, including common law, a statute, a rule, a regulation, an order, or an ordinance.

(b) "Make-ready work" means work necessary to enable an authority pole or utility pole to support collocation, which may include modification or replacement of utility poles or modification of lines.

(c) "Micro wireless facility" means a small cell wireless facility that is not more than 24 inches in length, 15 inches in width, and 12 inches in height and that does not have an exterior antenna more than 11 inches in length.

(d) "MPSC" means the Michigan Public Service Commission created in section 1 of 1939 PA 3, MCL 460.1.

(e) "Municipally owned electric utility" means a system owned by a municipality or combination of municipalities to furnish power or light and includes a cooperative electric utility that, on or after the effective date of this act, acquired all or substantially all of the assets of a municipal electric utility, when applying this act to the former territory of the municipal electric utility.

(f) "Nonauthority pole" means a utility pole used for electric delivery service and controlled by the governing body of a municipally owned electric utility.

(g) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

(h) "Public right-of-way" or "ROW" means the area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses. Public right-of-way does not include any of the following:

(i) A private right-of-way.

(ii) A limited access highway.

(iii) Land owned or controlled by a railroad as defined in section 109 of the railroad code of 1993, 1993 PA 354, MCL 462.109.

(iv) Railroad infrastructure.

(i) "Rate" means a recurring charge.

(j) "Small cell wireless facility" means a wireless facility that meets both of the following requirements:

(i) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.

(ii) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1309 Definitions; U to W.

Sec 9. As used in this act:

(a) "Utility pole" means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements in section 13(5) and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than 15 feet in height above ground.

(b) "Wireless facility" means equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes a small cell wireless facility. Wireless facility does not include any of the following:

(i) The structure or improvements on, under, or within which the equipment is colocated.

(ii) A wireline backhaul facility.

(iii) Coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.

(c) "Wireless infrastructure provider" means any person, including a person authorized to provide telecommunications services in this state but not including a wireless services provider, that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures and who, when filing an application with an authority under this act, provides written authorization to perform the work on behalf of a wireless services provider.

(d) "Wireless provider" means a wireless infrastructure provider or a wireless services provider. Wireless provider does not include an investor-owned utility whose rates are regulated by the MPSC.

(e) "Wireless services" means any services, provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

(f) "Wireless services provider" means a person that provides wireless services.

(g) "Wireless support structure" means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

(h) "Wireline backhaul facility" means a facility used to transport services by wire or fiber-optic cable

from a wireless facility to a network.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1311 Collocation of small cell wireless facilities; prohibited authority.

Sec. 11. (1) Except as provided in this act, an authority shall not prohibit, regulate, or charge for the collocation of small cell wireless facilities.

(2) The approval of a small cell wireless facility under this act authorizes only the collocation of a small cell wireless facility and does not authorize either of the following:

(a) The provision of any particular services.

(b) The installation, placement, modification, maintenance, or operation of a wireline backhaul facility in the ROW.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1313 Activities of wireless provider in public right of way; exclusive arrangement prohibited; rates; ordinance compliance; installation and concealment requirements; waiver of undergrounding requirements; repair damage to right of way.

Sec. 13. (1) This section applies only to activities of a wireless provider within the public right-of-way for the deployment of small cell wireless facilities and associated new or modified utility poles.

(2) An authority shall not enter into an exclusive arrangement with any person for use of the ROW for the construction, operation, or maintenance of utility poles or the collocation of small cell wireless facilities.

(3) An authority shall not charge a wireless provider a rate for each utility pole or wireless support structure in the ROW in the authority's geographic jurisdiction on which the wireless provider has collocated a small cell wireless facility that exceeds the following:

(a) \$20.00 annually, unless subdivision (b) applies.

(b) \$125.00 annually, if the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after the effective date of this act. This subdivision does not apply to the replacement of a utility pole that was not designed to support small cell wireless facilities.

Every 5 years after the effective date of this act, the maximum rates then authorized under subdivisions (a) and (b) are increased by 10% and rounded to the nearest dollar.

(4) If, on the effective date of this act, an authority has a rate or fee in an ordinance or in an agreement with a wireless provider for the use of the ROW to collocate a small cell wireless facility or to construct, install, mount, maintain, modify, operate, or replace a utility pole, and the rate or fee does not comply with subsection (3), the authority shall, not later than 90 days after the effective date of this act, revise the rate or fee to comply with subsection (3). Both of the following apply:

(a) For installations of utility poles designed to support small cell wireless facilities or collocations of small cell wireless facilities installed and operational in the ROW before the effective date of this act, the fees, rates, and terms of an agreement or ordinance for use of the ROW remain in effect subject to the termination provisions contained in the agreement or ordinance.

(b) For installations of utility poles designed to support small cell wireless facilities or collocations of small cell wireless facilities installed and operational in the ROW after the effective date of this act, the fees, rates, and terms of an agreement or ordinance for use of the ROW shall comply with subsection (3).

(5) A wireless provider may, as a permitted use not subject to zoning review or approval, except that an application for a permitted use is still subject to approval by the authority under section 15, collocate small cell wireless facilities and construct, maintain, modify, operate, or replace utility poles in, along, across, upon, and under the ROW. Such structures and facilities shall be constructed and maintained so as not to obstruct or hinder the usual travel or public safety on the ROW or obstruct the legal use of the authority's ROW or uses of the ROW by other utilities and communications service providers. Both of the following apply:

(a) A utility pole in the ROW installed or modified on or after the effective date of this act shall not exceed 40 feet above ground level, unless a taller height is agreed to by the authority.

(b) A small cell wireless facility in the ROW installed or modified after the effective date of this act shall not extend more than 5 feet above a utility pole or wireless support structure on which the small cell wireless facility is collocated.

(6) Subject to this section, section 17, and applicable zoning regulations, a wireless provider may collocate a small cell wireless facility or install, construct, maintain, modify, operate, or replace a utility pole that exceeds the height limits under subsection (5), or a wireless support structure, in, along, across, upon, and under the ROW.

(7) A wireless provider shall comply with reasonable and nondiscriminatory requirements otherwise provided that prohibit communications service providers from installing structures on or above ground in the

ROW in an area designated solely for underground or buried cable and utility facilities if all of the following apply:

(a) The authority has required all cable and utility facilities, other than authority poles, along with any attachments, or poles used for street lights, traffic signals, or other attachments necessary for public safety, to be placed underground by a date that is not less than 90 days before the submission of the application.

(b) The authority does not prohibit the replacement of authority poles by a wireless provider in the designated area.

(c) The authority allows wireless providers to apply for a waiver of the undergrounding requirements for the placement of a new utility pole to support small cell wireless facilities, and the waiver applications are addressed in a nondiscriminatory manner.

(8) Subject to section 15(2), and except for facilities excluded from evaluation for effects on historic properties under 47 CFR 1.1307(a)(4)(ii), an authority may adopt written, objective requirements for reasonable, technically feasible, nondiscriminatory, and technologically neutral design or concealment measures in a historic district, downtown district, or residential zoning district. Any such requirement shall not have the effect of prohibiting any wireless provider's technology. Any such design or concealment measures are not considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility in section 7.

(9) An authority's administration and regulation of activities of wireless providers in the ROW shall be reasonable, nondiscriminatory, and competitively neutral and shall comply with applicable law.

(10) An authority may require a wireless provider to repair all damage to the ROW directly caused by the activities of the wireless provider while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, utility poles, or wireless support structures in the ROW and to return the ROW to its functional equivalent before the damage. If the wireless provider fails to make the repairs required by the authority within 60 days after written notice, the authority may make those repairs and charge the wireless provider the reasonable, documented cost of the repairs.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1315 Permitted activities of wireless provider in right of way; application; determination; notice; denial; consolidated application; extension; fees; revocation; moratorium prohibited; notice of discontinuance of use.

Sec. 15. (1) This section applies to activities of a wireless provider within the public right-of-way.

(2) Except as otherwise provided in subsection (5), an authority may require a permit to colocate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility will be colocated if the permit is of general applicability. The processing of an application for such a permit is subject to all of the following:

(a) The authority shall not directly or indirectly require an applicant to perform services unrelated to the collocation for which a permit is sought, such as reserving fiber, conduit, or pole space for the authority or making other in-kind contributions to the authority.

(b) An authority may require an applicant to provide information and documentation to enable the authority to make a decision with regard to the criteria in subdivision (i). An authority may also require a certificate of compliance with FCC rules related to radio frequency emissions from a small cell wireless facility.

(c) If the proposed activity will occur within a shared ROW or an ROW that overlaps another ROW, a wireless provider shall provide, to each affected authority to which an application for the activity is not submitted, notification of the wireless provider's intent to locate a small cell wireless facility within the ROW. An authority may require proof of other necessary permits, permit applications, or easements to ensure all necessary permissions for the proposed activity are obtained.

(d) Within 25 days after receiving an application, an authority shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the time for approving or denying an application under subdivision (h).

(e) The running of time period tolled under subdivision (d) resumes when the applicant makes a supplemental submission in response to the authority's notice of incompleteness. If a supplemental submission is inadequate, the authority shall notify the applicant in writing not later than 10 days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in subdivision (d). Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original

notice of incompleteness.

(f) The authority may require an applicant to include an attestation that the small cell wireless facilities will be operational for use by a wireless services provider within 1 year after the permit issuance date, unless the authority and the applicant agree to extend this period or delay is caused by lack of commercial power or communications transport facilities to the site.

(g) The application shall be processed on a nondiscriminatory basis.

(h) The authority shall approve or deny the application and notify the applicant in writing within the following period of time after the application is received:

(i) For an application for the collocation of small cell wireless facilities on a utility pole, 60 days, subject to the following adjustments:

(A) Add 15 days if an application from another wireless provider was received within 1 week of the application in question.

(B) Add 15 days if, before the otherwise applicable 60-day or 75-day time period under this subparagraph elapses, the authority notifies the applicant in writing that an extension is needed and the reasons for the extension.

(ii) For an application for a new or replacement utility pole that meets the height requirements of section 13(5)(a) and associated small cell facility, 90 days, subject to the following adjustments:

(A) Add 15 days if an application from another wireless provider was received within 1 week of the application in question.

(B) Add 15 days if, before the otherwise applicable 90-day or 105-day time period under this subparagraph elapses, the authority notifies the applicant in writing that an extension is needed and the reasons for the extension.

If the authority fails to comply with this subdivision, the completed application is considered to be approved subject to the condition that the applicant provide the authority not less than 7 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.

(i) An authority may deny a completed application for a proposed collocation of a small cell wireless facility or installation, modification, or replacement of a utility pole that meets the height requirements in section 13(5)(a) only if the proposed activity would do any of the following:

(i) Materially interfere with the safe operation of traffic control equipment.

(ii) Materially interfere with sight lines or clear zones for transportation or pedestrians.

(iii) Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.

(iv) Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of an authority.

(v) With respect to drainage infrastructure under the jurisdiction of an authority, either of the following:

(A) Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.

(B) Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.

(vi) Fail to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by ordinance or otherwise that apply to the location of ground-mounted equipment and new utility poles and that do not prevent a wireless provider from serving any location.

(vii) Fail to comply with applicable codes.

(viii) Fail to comply with section 13(7) or (8).

(ix) Fail to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a historic district or other designated area, as specified in an ordinance or otherwise and nondiscriminatorily applied to all other occupants of the ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, cable television operators, and the authority.

(j) If the completed application is denied, the notice under subdivision (h) shall explain the reasons for the denial and, if applicable, cite the specific provisions of applicable codes on which the denial is based. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after the denial without paying an additional application fee. The authority shall approve or deny the revised application within 30 days. The authority shall limit its review of the revised application to the deficiencies cited in the denial.

(k) An applicant may at the applicant's discretion file a consolidated application and receive a single permit for the collocation of up to 20 small cell wireless facilities within the jurisdiction of a single authority or, in the case of the state transportation department, a single designated control section as identified on the department's website. The small cell wireless facilities within a consolidated application must consist of

substantially similar equipment and be placed on similar types of utility poles or wireless support structures. An authority may approve a permit for 1 or more small cell wireless facilities included in a consolidated application and deny a permit for the remaining small cell facilities. An authority shall not deny a permit for a small cell wireless facility included in a consolidated application on the basis that a permit is being denied for 1 or more other small cell facilities included in that application.

(l) Within 1 year after a permit is granted, a wireless provider shall complete collocation of a small cell wireless facility that is to be operational for use by a wireless services provider, unless the authority and the applicant agree to extend this period or the delay is caused by the lack of commercial power or communications facilities at the site. If the wireless provider fails to complete the collocation within the applicable time, the permit is void, and the wireless provider may reapply for a permit. A permittee may voluntarily request that a permit be terminated.

(m) Approval of an application authorizes the wireless provider to do both of the following:

(i) Undertake the installation or collocation.

(ii) Subject to relocation requirements that apply to similarly situated users of the ROW and the applicant's right to terminate at any time, maintain the small cell wireless facilities and any associated utility poles or wireless support structures covered by the permit for so long as the site is in use and in compliance with the initial permit under this act.

(n) An authority shall not institute a moratorium on filing, receiving, or processing applications or issuing permits for the collocation of small cell wireless facilities or the installation, modification, or replacement of utility poles on which small cell wireless facilities will be colocated.

(o) The authority and an applicant may extend a time period under this subsection by mutual agreement.

(3) An application fee for a permit under subsection (2) shall not exceed the lesser of the following:

(a) \$200.00 for each small cell wireless facility alone.

(b) \$300.00 for each small cell wireless facility and a new utility pole to which it will be attached.

Every 5 years after the effective date of this act, the maximum fees then authorized under this subsection are increased by 10% and rounded to the nearest dollar.

(4) An authority may revoke a permit, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated utility pole fail to meet the requirements of subsection (2)(i).

(5) An authority shall not require a permit or any other approval or require fees or rates for any of the following:

(a) The replacement of a small cell wireless facility with a small cell wireless facility that is not larger or heavier, in compliance with applicable codes.

(b) Routine maintenance of a small cell wireless facility, utility pole, or wireless support structure.

(c) The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.

(6) An authority that receives an application to place a new utility pole may propose an alternate location within the ROW or on property or structures owned or controlled by an authority within 75 feet of the proposed location to either place the new utility pole or collocate on an existing structure. The applicant shall use the alternate location if, as determined by the applicant, the applicant has the right to do so on reasonable terms and conditions and the alternate location does not impose unreasonable technical limits or significant additional costs.

(7) Before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, a wireless provider shall notify an authority in writing. The notice shall specify when and how the wireless provider intends to remove the small cell wireless facility, utility pole, or wireless support structure. The authority may impose reasonable and nondiscriminatory requirements and specifications for the wireless provider to return the property to its preinstallation condition. If the wireless provider does not complete the removal within 45 days after the discontinuance of use, the authority may complete the removal and assess the costs of removal against the wireless provider. A permit under this section for a small cell wireless facility expires upon removal of the small cell wireless facility.

(8) This section does not prohibit an authority from requiring a permit for work that will unreasonably affect traffic patterns or obstruct vehicular or pedestrian traffic in the ROW.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1317 Zoning review and approval; application; approval or denial requirements; fees; moratorium prohibited; revocation.

Sec. 17. (1) The activities set forth in section 15(5) are exempt from zoning review. Subsections (2) to (4) apply to zoning reviews for the following activities that are subject to zoning review and approval, that are not

a permitted use under section 13(5), and that take place within or outside the public right-of-way:

(a) The modification of existing or installation of new small cell wireless facilities.

(b) The modification of existing or installation of new wireless support structures used for such small cell wireless facilities.

(2) The processing of an application for a zoning approval is subject to all of the following requirements:

(a) Within 30 days after receiving an application under this section, an authority shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the 30-day period.

(b) The running of the time period tolled under subdivision (a) resumes when the applicant makes a supplemental submission in response to the authority's notice of incompleteness. If a supplemental submission is inadequate, the authority shall notify the applicant not later than 10 days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in subdivision (a). Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(c) The application shall be processed on a nondiscriminatory basis.

(d) The authority shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and authority. If the authority fails to comply with this subdivision, the application is considered to be approved subject to the condition that the applicant provide the authority not less than 15 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.

(e) An authority shall not deny an application unless all of the following apply:

(i) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.

(ii) There is a reasonable basis for the denial.

(iii) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

(3) An authority's review of an application for a zoning approval is subject to all of the following requirements:

(a) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures. An authority may consider the height of such structures in its zoning review, but shall not discriminate between the applicant and other communications service providers.

(b) An authority shall not evaluate or require an applicant to submit information about an applicant's business decisions with respect to any of the following:

(i) The need for a wireless support structure or small cell wireless facilities.

(ii) The applicant's service, customer demand for the service, or the quality of service.

(c) Any requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping, shall be reasonable.

(d) Any spacing, setback, or fall zone requirement shall be substantially similar to a spacing, setback, or fall zone requirement imposed on other types of commercial structures of a similar height.

(4) An application fee for a zoning approval shall not exceed the following:

(a) \$1,000.00 for a new wireless support structure or modification of an existing wireless support structure.

(b) \$500.00 for a new small cell wireless facility or modification of an existing small cell wireless facility.

(5) Within 1 year after a zoning approval is granted, a wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the authority and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required pursuant to section 15(2)(l), the zoning approval is void, and the wireless provider may reapply for a zoning approval. However, the wireless provider may voluntarily request that the zoning approval be terminated.

(6) An authority shall not institute a moratorium on either of the following:

(a) Filing, receiving, or processing applications for zoning approval.

(b) Issuing approvals for installations that are not a permitted use.

(7) An authority may revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1319 Authority poles; exclusive arrangement prohibited; limitation on rates, fees, and terms; elimination of aboveground poles.

Sec. 19. (1) An authority shall not enter into an exclusive arrangement with any person for the right to attach to authority poles. A person who purchases, controls, or otherwise acquires an authority pole is subject to the requirements of this section.

(2) The rate for the collocation of small cell wireless facilities on authority poles shall be nondiscriminatory regardless of the services provided by the collocating person. The rate shall not exceed \$30.00 per year per authority pole. Every 5 years after the effective date of this act, the maximum rate then authorized under this subsection is increased by 10% and rounded to the nearest dollar. This rate for the collocation of small cell wireless facilities on authority poles is in addition to any rate charged for the use of the ROW under section 13.

(3) If, on the effective date of this act, an authority has a rate, fee, or other term in an ordinance or in an agreement with a wireless provider that does not comply with this section, the authority shall, not later than 90 days after the effective date of this act, revise the rate, fee, or term to comply with this section. Both of the following apply:

(a) An ordinance or an agreement between an authority and a wireless provider that is in effect on the effective date of this act and that relates to the collocation on authority poles of small cell wireless facilities installed and operational before the effective date of this act remains in effect as it relates to those collocations, subject to termination provisions in the ordinance or agreement.

(b) The rates, fees, and terms established under this section apply to the collocation on authority poles of small cell wireless facilities that are installed and operational after the rates, fees, and terms take effect.

(4) Within 90 days after receiving the first request to colocate a small cell wireless facility on an authority pole, the authority shall make available, through ordinance or otherwise, the rates, fees, and terms for the collocation of small cell wireless facilities on the authority poles. The rates, fees, and terms shall comply with all of the following:

(a) The rates, fees, and terms shall be nondiscriminatory, competitively neutral, and commercially reasonable and shall comply with this act.

(b) The authority shall provide a good-faith estimate for any make-ready work within 60 days after receipt of a complete application. Make-ready work shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant.

(c) The person owning or controlling the authority pole shall not require more make-ready work than required to comply with law or industry standards.

(d) Fees for make-ready work shall not do any of the following:

(i) Include costs related to preexisting or prior damage or noncompliance unless the damage or noncompliance was caused by the applicant.

(ii) Include any unreasonable consultant fees or expenses.

(iii) Exceed actual costs imposed on a nondiscriminatory basis.

(5) This section does not require an authority to install or maintain any specific authority pole or to continue to install or maintain authority poles in any location if the authority makes a nondiscriminatory decision to eliminate aboveground poles of a particular type generally, such as electric utility poles, in a designated area of its geographic jurisdiction. For authority poles with colocated small cell wireless facilities in place when an authority makes a decision to eliminate aboveground poles of a particular type, the authority shall do 1 of the following:

(a) Continue to maintain the authority pole.

(b) Install and maintain a reasonable alternative pole or wireless support structure for the collocation of the small cell wireless facility.

(c) Offer to sell the pole to the wireless provider at a reasonable cost.

(d) Allow the wireless provider to install its own utility pole so it can maintain service from that location.

(e) Proceed as provided by an agreement between the authority and the wireless provider.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1321 Municipally owned electric utility; collocation on nonauthority poles; standards; application process; moratorium prohibited; rates; make-ready work.

Sec. 21. (1) The governing body of a municipally owned electric utility shall not enter into an exclusive arrangement with any person for the right to attach to nonauthority poles.

(2) The governing body of a municipally owned electric utility shall allow the collocation of small cell wireless facilities on nonauthority poles on a nondiscriminatory basis.

(3) The collocation of small cell wireless facilities on nonauthority poles by a wireless provider shall comply with the applicable, nondiscriminatory safety and reliability standards adopted by the governing body of a municipally owned electric utility and with the "National Electric Safety Code" published by the Institute of Electrical and Electronics Engineers. The governing body of a municipally owned electric utility may require a wireless provider to execute an agreement for nonauthority pole attachments if such an agreement is required of all other nonauthority pole attachments.

(4) The governing body of a municipally owned electric utility shall adopt a process for requests by wireless providers to collocate small cell wireless facilities on nonauthority poles that is nondiscriminatory and competitively neutral. If such a process has not been adopted within 90 days after the effective date of this act, the application process in section 15 applies to such requests. The governing body of a municipally owned electric utility shall not impose a moratorium on the processing of nonauthority pole collocation requests, or require a wireless provider to perform any service not directly related to the collocation. The governing body of a municipally owned electric utility may charge a fee not to exceed \$100.00 per nonauthority pole for processing the request. The governing body of a municipally owned electric utility may charge an additional fee not to exceed \$100.00 per nonauthority pole for processing the request, if a modification or maintenance of the collocation requires an engineering analysis. Every 5 years after the effective date of this act, the maximum fees then authorized under this subsection are increased by 10% and rounded to the nearest dollar.

(5) The rate for a wireless provider to collocate on a nonauthority pole in the ROW shall not exceed \$50.00 annually per nonauthority pole. Every 5 years after the effective date of this act, the maximum rate then authorized under this subsection is increased by 10% and rounded to the nearest dollar.

(6) A wireless provider shall comply with the process for make-ready work that the governing body of a municipally owned electric utility has adopted for other parties under the same or similar circumstances that attach facilities to nonauthority poles. If such a process has not been adopted, the wireless provider and the governing body of a municipally owned electric utility shall comply with the process for make-ready work under 47 USC 224 and implementing orders and regulations. A good-faith estimate established by the governing body of a municipally owned electric utility for any make-ready work for nonauthority poles shall include pole replacement if necessary. All make-ready costs shall be based on actual costs, with detailed documentation provided.

(7) If a wireless provider is required to relocate small cell wireless facilities collocated on a nonauthority pole, it shall do so in accordance with the nondiscriminatory terms adopted by the governing body of a municipally owned electric utility.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1323 Attaching entity; standards; compliance; rate; civil action.

Sec. 23. (1) An attaching entity, and all contractors or parties under its control, shall comply with reliability, safety, and engineering standards adopted by the governing body of a municipally owned electric utility, including, but not limited to, the following:

(a) Applicable engineering and safety standards governing installation, maintenance, and operation of facilities and the performance of work in or around the municipally owned electric utility nonauthority poles and facilities.

(b) The "National Electric Safety Code" published by the Institute of Electrical and Electronics Engineers.

(c) Regulations of the United States Occupational Safety and Health Administration.

(d) Other reasonable safety and engineering requirements to which municipally owned electric utility facilities are subject by law.

(2) The governing body of a municipally owned electric utility may require an attaching entity to execute an agreement for wire or cable attachments to nonauthority poles or related infrastructure.

(3) The governing body of a municipally owned electric utility shall not charge an attaching entity a rate for wire or cable pole attachments within the communication space on a nonauthority pole greater than the maximum allowable rate pursuant to 47 USC 224(d) and (e) as established in Federal Communications Commission Order on Reconsideration 15-151.

(4) Subject to section 27, an attaching entity may commence a civil action for injunctive relief for a violation of this section. The attaching entity shall not file an action under this subsection unless the attaching entity has first provided the municipally owned electric utility with a written notice of the intent to sue. Within 30 days after the municipally owned electric utility receives written notice of intent to sue, the

municipally owned electric utility and the attaching entity shall meet and make a good-faith attempt to determine if there is a credible basis for the action. If the parties agree that there is a credible basis for the action, the governing body of the municipally owned electric utility shall take all reasonable and prudent steps necessary to comply with the applicable requirements of this section within 90 days after the meeting.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1325 Jurisdiction; authority; certain interior structures, campuses, stadiums, and athletic facilities.

Sec. 25. An authority does not have jurisdiction or authority over the design, engineering, construction, installation, or operation of a small cell wireless facility located in an interior structure or upon a campus of an institution of higher education including any stadiums or athletic facilities associated with the institution of higher education, a professional stadium, or a professional athletic facility, other than to enforce applicable codes. This act does not authorize this state or any other authority to require wireless facility deployment or to regulate wireless services.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1327 Circuit courts; jurisdiction; right to appeal.

Sec. 27. The circuit court has jurisdiction to determine all disputes arising under this act. Venue lies in the judicial circuit where the authority or municipally owned electric utility is located. In addition to its right to appeal to the circuit court, an applicant may elect, at its sole discretion, to appeal a determination under the act to an authority, if the authority has an appeal process to render a decision expeditiously.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1329 Indemnification; insurance requirements.

Sec. 29. As part of the permit process under section 15, a zoning approval process under section 17, or a request process under section 21, an authority or the governing body of a municipally owned electric utility may require a wireless provider to do the following with respect to a small cell wireless facility, a wireless support structure, or a utility pole:

(a) Defend, indemnify, and hold harmless the authority or the governing body of a municipally owned electric utility and its officers, agents, and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, wireless support structures, or utility poles to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of these. A wireless provider has no obligation to defend, indemnify, or hold harmless an authority or the governing body of a municipally owned electric utility, or the officers, agents, or employees of the authority or governing body against any liabilities or losses due to or caused by the sole negligence of the authority or the governing body of a municipally owned electric utility or its officers, agents, or employees.

(b) Obtain insurance naming the authority or the governing body of a municipally owned electric utility and its officers, agents, and employees as additional insureds against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees. A wireless provider may meet all or a portion of the authority's insurance coverage and limit requirements by self-insurance. To the extent it self-insures, a wireless provider is not required to name additional insureds under this section. To the extent a wireless provider elects to self-insure, the wireless provider shall provide to the authority evidence demonstrating, to the authority's satisfaction, the wireless provider's financial ability to meet the authority's insurance coverage and limit requirements.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1331 Fee and rate limitations.

Sec. 31. An authority may establish a fee or rate less than the maximum specified in section 13(3), 15(3), 17(4), or 19(2), subject to other requirements of this act.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1333 Bonding requirements; limitations.

Sec. 33. (1) As a condition of a permit described in this act, an authority may adopt bonding requirements for small cell wireless facilities if both of the following requirements are met:

(a) The authority imposes similar requirements in connection with permits issued for similarly situated users of the ROW.

(b) The purpose of the bonds is 1 or more of the following:

(i) To provide for the removal of abandoned or improperly maintained small cell wireless facilities,

including those that an authority determines should be removed to protect public health, safety, or welfare.

(ii) To repair the ROW as provided under section 13(10).

(iii) To recoup rates or fees that have not been paid by a wireless provider in more than 12 months, if the wireless provider has received 60-day advance notice from the authority of the noncompliance.

(2) An authority shall not require either of the following under subsection (1):

(a) A cash bond, unless any of the following apply:

(i) The wireless provider has failed to obtain or maintain a bond required under this section.

(ii) The surety has defaulted or failed to perform on a bond given to the authority on behalf of the wireless provider.

(b) A bond in an amount exceeding \$1,000.00 per small cell wireless facility.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1335 Labeling requirement of small cell wireless facility.

Sec. 35. A small cell wireless facility for which a permit is issued shall be labeled with the name of the wireless provider, emergency contact telephone number, and information that identifies the small cell wireless facility and its location.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1337 Payment of electricity to operate small cell wireless facility.

Sec. 37. A wireless provider is responsible for arranging and paying for the electricity used to operate a small cell wireless facility.

History: 2018, Act 365, Eff. Mar. 12, 2019.

460.1339 Scope of act; application to and effect on certain electric utilities.

Sec. 39. (1) This act does not add to, replace, or supersede any law regarding poles or conduits, similar structures, or equipment of any type owned or controlled by an investor-owned utility whose rates are regulated by the MPSC, an affiliated transmission company, an independent transmission company, or, except as provided in section 7(e), a cooperative electric utility.

(2) This act does not impose or otherwise affect any rights, controls, or contractual obligations of an investor-owned utility whose rates are regulated by the MPSC, an affiliated transmission company, an independent transmission company or, except as provided in section 7(e), a cooperative electric utility with respect to its poles or conduits, similar structures, or equipment of any type.

(3) Except for purposes of a wireless provider obtaining a permit to occupy a right-of-way, this act does not affect an investor-owned utility whose rates are regulated by the MPSC. Notwithstanding any other provision of this act, pursuant to and consistent with section 6g of 1980 PA 470, MCL 460.6g, the MPSC has sole jurisdiction over attachment of wireless facilities on the poles, conduits, and similar structures or equipment of any type or kind owned or controlled by an investor-owned utility whose rates are regulated by the MPSC.

History: 2018, Act 365, Eff. Mar. 12, 2019.